

Ont.
Govt. Pub.





Ont.
Govt. Pub^s







LEGISLATIVE ASSEMBLY
OF ONTARIO

BILLS

AS INTRODUCED IN THE HOUSE
TOGETHER WITH
REPRINTS AND THIRD READINGS

117376
SESSION

FEBRUARY 16th to APRIL 6th
1950



INDEX

A

Bill No.

Accountancy in Ontario—Act to regulate the Profession of Public.....	129
Administration and Trust Company, The—Act respecting.....	30
Aid to Drainage Act, The Provincial—Act to amend.....	130
Agricultural Associations Act, The—Act to amend.....	41
Agricultural Societies Act, 1939, The—Act to amend.....	85
Alexandria, Town of—Act respecting.....	25
Appeals to His Majesty in His Privy Council—Act respecting.....	36
Assessment Act, The—Act to amend.....	102
Athletics Control Act, 1947, The—Act to amend.....	94
Audit Act, 1950, The.....	90
Auxiliary Classes Act, The—Act to amend.....	71

B

Border Cities Young Men's and Young Women's Christian Associations— Act respecting.....	10
Business Brokers Act, 1946, The Real Estate and—Act to amend.....	69
Business Records Protection Act, 1947, The—Act to repeal (Withdrawn)... —Act to amend.....	95 144

C

Canada Conference Evangelical Church—Act respecting.....	4
Canadian Legion, Mount Hamilton Branch, and Salvation Army—Act re- specting.....	13
Central Canada Exhibition Association—Act respecting.....	9
Children's Maintenance Act, The Deserted Wives' and—Act to amend....	65
Commorientes Act, 1940, The—Act to amend.....	37
Companies Act, The—Act to amend.....	98
Congregation of the Priests of the Sacred Heart—Act to incorporate.....	8
Conservation Authorities Act, 1946, The—Act to amend.....	119
Consolidated Revenue Fund—Act to authorize the Raising of Money on the Credit of the.....	127
Consumptives Act, 1947, The Sanatoria for—Act to amend.....	138
Continuation Schools Act, The—Act to amend.....	124
Conveyancing and Law of Property Act, The—Act to amend.....	78
Cornwall, Township of—Act respecting.....	18
Corporations Tax Act, 1939, The—Act to amend.....	135
Crown Attorneys Act, 1949, The—Act to amend.....	38

D

Department of Municipal Affairs Act, The—Act to amend.....	141
Deserted Wives' and Children's Maintenance Act, The—Act to amend....	65
Diocese of Ottawa, The Incorporated Synod of the—Act respecting.....	20
Division Courts Act, 1950, The.....	128
Drainage Act, The Provincial Aid to—Act to amend.....	130
Drugless Practitioners Act, The—Act to amend.....	109

E

Bill No.

East York, Township of—Act respecting (not reported by Committee on Standing Orders).....	23
Election Act, The—Act to amend (Lapsed).....	55
Equal Pay for Equal Work Act, 1950, The (Lapsed).....	50
Equities—Act to Protect Home Owners' (Lapsed).....	73
Evangelical Church, Canada Conference—Act respecting.....	4
Exhibition Association, Central Canada—Act respecting.....	9
Extra Provincial Corporations Act, The—Act to amend.....	96

F

Fair Employment Practices—Act respecting (Lapsed).....	54
—Act respecting (Lapsed).....	56
—Act respecting (Lapsed).....	106
Farm Products Grades and Sales Act, The—Act to amend.....	42
Farm Products Marketing Act, 1946, The—Act to amend.....	44
Fire Departments Act, 1949, The—Act to amend.....	121
Fisheries Act, 1946, The Game and—Act to amend.....	84

G

Game and Fisheries Act, 1946, The—Act to amend.....	84
Guelph, City of—Act respecting.....	19

H

Hamilton, City of—Act respecting.....	2
Health Act, The Public—Act to amend.....	131
High Schools Act, The—Act to amend.....	79
Highway Improvement Act, The—Act to amend.....	118
Highway Traffic Act, The—Act to amend.....	107
Hincks Location in the Township of Johnson—Act respecting the Westerly Limit of.....	49
Home Owners' Equities—Act to Protect (Lapsed).....	73
Hospital and Medical Services—Act respecting Prepaid.....	105
Hospitals Act, The Public—Act to amend.....	139
Hospital for Sick Children, The—Act respecting.....	11
Hospitals Tax Act, 1948, The—Act to amend.....	114
Hours of Work and Vacations with Pay Act, 1944, The	
—Act to amend (Lapsed)	51
—Act to amend (Lapsed)	53
—Act to amend (Lapsed)	59
—Act to amend (Lapsed)	62
—Act to amend (Lapsed)	104
Housing Development Act, 1948, The—Act to amend.....	63

I

Income Tax Act, 1950, The.....	132
Income Tax Rental Agreement or an Income Tax Agency Agreement—Act to authorize an.....	133

Insurance Act, The—Act to amend.....	66
—Act to amend (Lapsed).....	88
Investment Contracts Act, 1948, The—Act to amend.....	123

J

Johnson, Township of—Act respecting The Westerly Limit of Hincks Location in.....	49
---	----

K

Kingston, City of—Act respecting.....	32
Knox College Library and Certain Archives—Act respecting.....	22
KVP Company Limited—Act respecting.....	117

L

Labour Act, 1944, The Rights of—Act to amend	146
Labour Relations Act, 1950, The	82
Lands Act, The Public—Act to amend	99
Land Transfer Tax Act, The—Act to amend.....	113
Leamington, Town of—Act respecting.....	24
Legion, Mount Hamilton Branch of Canadian, and Salvation Army—Act respecting	13
Legitimation Act, The—Act to amend	126
Limits of the Province—Act to express the Consent of the Legislature to an Alteration in the.....	136
Liquor Licence Act, 1946, The—Act to amend (Lapsed).....	57
Live Stock and Live Stock Products—Act respecting.....	43
Loan Act, 1950, The Ontario.....	127
Loan and Trust Corporations Act, 1949, The—Act to amend.....	39
—Act to amend.....	92
Logging Tax Act, 1950, The.....	134
London, City of—Act respecting.....	7
Long Branch, Village of—Act respecting.....	14
Lord's Day Act (Canada), The—Act to provide for Certain Exceptions to.....	116

M

Magistrates Act, The—Act to amend.....	67
Malton, Town of—Act to incorporate (Not reported by Committee on Private Bills)	5
Manitoba-Ontario Boundary Act, 1950, The.....	136
Marriage Act, The—Act to amend (Lapsed).....	52
Marriage Act, 1950, The.....	87
Medical Services—Act respecting Prepaid Hospital and.....	105
Milk Control Act, The—Act to amend.....	86
Minimum Wage Act, The—Act to amend (Lapsed).....	58
Mining Act, The—Act to amend.....	72
Mining Tax Act, The—Act to amend.....	75
Mothers' Allowances Act, The—Act to amend (Lapsed).....	89

Mount Hamilton Branch, Canadian Legion and Salvation Army—Act respecting	13
Municipal Act, The—Act to amend (Lapsed)	110
—Act to amend	112
Municipal Affairs Act, The Department of—Act to amend	141
Municipal Board Act, The Ontario—Act to amend	103
Municipal Improvement Corporation, The Ontario—Act to incorporate	35

N

North York, Township of—Act respecting	28
--	----

O

Ojibway Islands, Improvement District of—Act to incorporate (not reported by Committee on Private Bills)	29
Ontario and Quebec—Act respecting the Executive Committee of the Young Men's Christian Association of	31
Ontario Loan Act, 1950, The	127
Ontario-Manitoba Boundary Act, 1950, The	136
Ontario Municipal Board Act, The—Act to amend	103
Ontario Municipal Improvement Corporation, The—Act to incorporate	35
Ontario Racing Commission, The—Act to establish	115
Ottawa, City of—Act respecting	21
Ottawa, The Incorporated Synod of the Diocese of—Act respecting	20
Ottawa Separate School Board, The City of—Act respecting	34
Ottawa Young Men's Christian Association, The—Act respecting (Withdrawn)	12

P

Parry Sound, Town of—Act respecting	3
Partnership Registration Act, The—Act to amend	40
Pharmacy Act, The—Act to amend	108
Planning Act, 1946, The—Act to amend	120
Police Act, 1949, The—Act to amend	122
Port Arthur, City of—Act respecting	6
Port Hope, Town of, and Trinity College School—Act respecting	1
Power Commission Act, The—Act to amend (Lapsed)	76
—Act to amend	83
Prepaid Hospital and Medical Services—Act respecting	105
Priests of the Sacred Heart—Act to incorporate the Congregation of the . .	8
Privy Council—Act respecting Appeals to His Majesty in His	36
Provincial Aid to Drainage Act, The—Act to amend	130
Provincial Parks Act, 1950, The	100
Provincial Young Men's Christian Association of Ontario and Quebec—Act respecting the Executive Committee of the	31
Public Accountancy in Ontario—Act to regulate the Profession of	129
Public Health Act, The—Act to amend	131
Public Hospitals Act, The—Act to amend	139
Public Lands Act, The—Act to amend	99

Public Officers' Fees Act, The—Act to amend	64
Public Schools Act, The—Act to amend (Lapsed)	61
—Act to amend	101
Public Service Act, 1947, The—Act to amend	97

Q

Quebec—Act respecting the Executive Committee of the Young Men's Christian Association of Ontario and	31
--	----

R

Racing Commission, The Ontario—Act to establish	115
Raising of Money on the Credit of the Consolidated Revenue Fund—Act to authorize the	127
Real Estate and Business Brokers Act, 1946, The—Act to amend	69
Registry Act, The—Act to amend	125
Rights of Labour Act, 1944, The—Act to amend	146
Riverside, Town of—Act respecting	26

S

Sacred Heart—Act to incorporate the Congregation of the Priests of the ...	8
Salvation Army—Act respecting Mount Hamilton Branch, Canadian Legion and	13
Sanatoria for Consumptives Act, 1947, The—Act to amend	138
Sandwich West, Township of—Act respecting (Withdrawn)	27
Sault Ste. Marie, City of—Act respecting	33
School Attendance Act, The—Act to amend	70
School Law Amendment Act, 1950, The	142
Seed-Potatoes—Act to Provide for the Establishment of Restricted Areas for	47
Separate Schools Act, The—Act to amend	80
Sick Children, The Hospital for—Act respecting	11
Silicosis Act, 1950, The	140
Stallions Act, 1950, The	45
Statute Labour Act, The—Act to amend	91
Statute Law Amendment Act, 1950, The	145
Surrogate Courts Act, The—Act to amend	68
Surveys Act, The—Act to amend	48
Survivorship Act, 1940, The—Act to amend	37
Synod of the Diocese of Ottawa, The Incorporated—Act respecting	20

T

Tax on Logging Profits—Act to impose a	134
Teachers' Superannuation Act, 1949, The—Act to amend	93
Teaching Profession Act, 1944, The—Act to amend	81
Toronto, City of—Act respecting	17
Trinity College School and Town of Port Hope—Act respecting	1
Trusts Corporations Act, 1949, The Loan and—Act to amend	39
—Act to amend	92

V

Bill No.

Vacations with Pay Act, 1944, The Hours of Work and	
—Act to amend (Lapsed)	51
—Act to amend (Lapsed)	53
—Act to amend (Lapsed)	59
—Act to amend (Lapsed)	62
—Act to amend (Lapsed)	104
Venereal Diseases Prevention Act, the—Act to amend	111
Voters' Lists Act, The—Act to amend	143

W

Weed Control Act, 1950, The	46
Welland, City of—Act respecting (Not reported by Committee on Private Bills)	15
Windsor, City of—Act respecting	16
Wives' and Children's Maintenance Act, The Deserted—Act to amend	65
Workmen's Compensation Act, The—Act to amend (Lapsed)	60
—Act to amend (Lapsed)	74
—Act to amend (Lapsed)	77
—Act to amend	137

Y

Young Men's and Young Women's Christian Associations, Border Cities—Act respecting	10
Young Men's Christian Association of Ontario and Quebec—Act respecting the Executive Committee of the	31
Young Men's Christian Association, The Ottawa (Withdrawn)	12
York, East, Township of—Act respecting (Not reported by Committee on Standing Orders)	23
York, North, Township of—Act respecting	28

No. 1

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Town of Port Hope and Trinity College School.

MR. FOOTE

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 1

1950

BILL

An Act respecting the Town of Port Hope and Trinity College School.

WHEREAS the Corporation of the Town of Port Hope Preamble. and the Corporation of Trinity College School, a corporation incorporated by *An Act to incorporate the Trinity College School*, being chapter 111 of the Statutes of Ontario, 1871-2, by their petition have prayed for special legislation in respect of the conveyance by the Town of Port Hope to Trinity College School of part of the Town Park of Port Hope as a site for the Peter G. Campbell Memorial Arena; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 1840, passed by the council of the Corporation of the Town of Port Hope on the 2nd day of August, 1949, and the agreement, dated the 2nd day of August, 1949, made between the Corporation of the Town of Port Hope, Port Hope Agricultural Society and the Corporation of Trinity College School, set out in the Schedule hereto, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto. By-law and agreement validated.

2. The deed made between the Corporation of the Town of Port Hope as grantor and the Corporation of Trinity College School as grantee, dated the 7th day of October, 1949, and registered in the registry office for the Registry Division of the East Riding of the County of Durham as No. C 9370 for the Town of Port Hope and No. 16214 for the Township of Hope is hereby confirmed and declared to be legal and valid, and the lands described in the deed are hereby declared to be vested in the Corporation of Trinity College School in fee simple free of all trusts, reservations, limitations, restrictions, covenants, provisoes and conditions except the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown. Deed of lands validated.



No. 1

1950

BILL

An Act respecting the Town of Port Hope and Trinity College School.

WHEREAS the Corporation of the Town of Port Hope Preamble. and the Corporation of Trinity College School, a corporation incorporated by *An Act to incorporate the Trinity College School*, being chapter 111 of the Statutes of Ontario, 1871-2, by their petition have prayed for special legislation in respect of the conveyance by the Town of Port Hope to Trinity College School of part of the Town Park of Port Hope as a site for the Peter G. Campbell Memorial Arena; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 1840, passed by the council of the Corporation of the Town of Port Hope on the 2nd day of August, 1949, and the agreement, dated the 2nd day of August, 1949, made between the Corporation of the Town of Port Hope, Port Hope Agricultural Society and the Corporation of Trinity College School, set out in the Schedule hereto, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto. By-law and agreement validated.

2. The deed made between the Corporation of the Town of Port Hope as grantor and the Corporation of Trinity College School as grantee, dated the 7th day of October, 1949, and registered in the registry office for the Registry Division of the East Riding of the County of Durham as No. C 9370 for the Town of Port Hope and No. 16214 for the Township of Hope is hereby confirmed and declared to be legal and valid, and the lands described in the deed are hereby declared to be vested in the Corporation of Trinity College School in fee simple free of all trusts, reservations, limitations, restrictions, covenants, provisoes and conditions except the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown. Deed of lands validated.

Exemption
from
taxation.

3. The lands described in the deed shall be exempt from all taxes for municipal or school purposes other than local improvements as long as they are held by the Corporation of Trinity College School and used in accordance with the agreement mentioned in section 1.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Town of Port Hope and Trinity College School Act, 1950.*

SCHEDULE

THE CORPORATION OF THE TOWN OF PORT HOPE

BY-LAW NUMBER 1840

A By-law to authorize the entering into of an agreement between the Corporation of the Town of Port Hope and the Port Hope Agricultural Society and the Corporation of Trinity College School.

WHEREAS the Corporation of Trinity College School hereinafter called the School proposes to erect and maintain an artificial ice arena to be known as the Peter G. Campbell Memorial Arena;

AND WHEREAS the School proposes to make the arena available for use by Port Hope local hockey teams for games and practices and by the public for skating when not required for use by the School, at such charges as the School may find necessary to make;

AND WHEREAS under the terms of the gift to the School of the funds required to erect the arena it is necessary that the arena be on or immediately adjacent to the School grounds;

AND WHEREAS there is no land within the Town of Port Hope suitable and available for the purpose of constructing an arena thereon within the terms of the gift to the School except the top of the hill in the Town Park;

AND WHEREAS it is desirable in the interests of the people of the Town of Port Hope that the arena be built within the Town limits;

AND WHEREAS the Port Hope Agricultural Society, Lessee of the Town Park, has agreed to surrender from its Lease sufficient land as a site for the arena;

AND WHEREAS an Agreement has been negotiated between the Corporation of the Town of Port Hope and the Port Hope Agricultural Society and the Corporation of Trinity College School a copy of which is hereto annexed as a schedule to this by-law;

NOW THEREFORE IT IS ENACTED as a By-law of the Corporation of the Town of Port Hope as follows:

1. The Agreement made between the Corporation of the Town of Port Hope of the First Part and the Port Hope Agricultural Society of the Second Part and the Corporation of Trinity College School of the Third Part a copy of which is annexed as a Schedule to this By-law is approved and confirmed.

2. The Mayor and Clerk are authorized and directed to execute the said Agreement on behalf of the Corporation of the Town of Port Hope and to cause the Corporate Seal to be affixed thereto.

3. The Mayor and Clerk are authorized and directed to execute on behalf of the Corporation of the Town of Port Hope all deeds, conveyances and other instruments required to carry out the provisions of the said Agreement and to cause the Corporate Seal to be affixed thereto.

4. The Mayor and Clerk are authorized to submit to the Legislature of Ontario, if considered necessary, an application on behalf of the Corporation of the Town of Port Hope for the passing of a special Act of the Legislature to confirm and validate this Agreement and all or any conveyances made pursuant thereto.

5. The Town Property Committee is authorized to settle on behalf of the Corporation of the Town of Port Hope the boundaries of the lands

to be conveyed pursuant to this Agreement and to settle and carry out all matters and things incidental to the completion of the said Agreement.

PASSED in open Council the 2nd day of August, 1949.

(Seal)

(Sgd.) W. R. JEX,
Mayor.
(Sgd.) A. MARK,
Clerk.

AGREEMENT made the 2nd day of August, 1949.

BETWEEN:

THE CORPORATION OF THE TOWN OF PORT HOPE,
hereinafter called the Town,
OF THE FIRST PART,
—and—

THE PORT HOPE AGRICULTURAL SOCIETY, here-
inafter called the Lessee,
OF THE SECOND PART,
—and—

THE CORPORATION OF TRINITY COLLEGE SCHOOL,
hereinafter called the School,
OF THE THIRD PART.

WHEREAS the Town is seised in fee simple of a parcel of land known as the Pine Hill Estate as shown on Plan of Lot Number 4 in the First Concession of the Township of Hope made by John K. Roche, D.P.S., for the University of Toronto registered in the Registry Office for the East Riding of the County of Durham as Plan Number 11 for the Town of Port Hope under the terms set out in instruments registered in said Registry Office as Numbers 3583 and 8460 for the Town of Port Hope;

AND WHEREAS the Town is seised in fee simple of part of Lot Number 3 in the First Concession of the Township of Hope described in instrument registered in said Registry Office as Number 4910 for the Township of Hope under the terms and conditions set out in said instrument;

SAVE AND EXCEPT the part thereof known as parcel "G" conveyed by the Town to the School by instrument registered in said Registry Office as Number 13910 for the Township of Hope;

AND WHEREAS the Town is seised in fee simple of part of Lot Number 3 in the First Concession of the Township of Hope described in instrument registered in the said Registry Office as Number 13911 for the said Township;

AND WHEREAS the Lessee is in possession of the said three parcels of land under a lease made by the Town to the Lessee dated the 22nd day of August, 1945, for a term which has not expired;

AND WHEREAS the School is seised in fee simple of those parts of Lot Number 3, in the First Concession of the Township of Hope lying east of the parcels owned by the Town;

AND WHEREAS the Town and the School have agreed to an exchange of lands in order to permit the School to erect on part of the parcels firstly and secondly above mentioned an Artificial Ice Rink to be known as The Peter G. Campbell Memorial Arena and the Lessee has agreed to release the necessary land;

NOW THEREFORE the parties in consideration of the mutual undertakings hereinafter contained mutually agree as follows:

1. The Town shall convey to the School a parcel of land, part of the Pine Hill Estate and part of Lot 3 in the First Concession of the

Township of Hope roughly described as follows: Commencing at a stake planted in the southerly limit of Ward Street approximately 25 feet westerly thereon from the west post of a gate at the top of the hill; thence southerly following a line of stakes approximately at right angles to the southerly limit of Ward Street to a point 350 feet southerly from the southerly limit of Ward Street; thence easterly at right angles to the last mentioned course in a straight line to the east limit of the land in 4910 for Hope south of parcel "G"; thence northerly along the east limit of land in 4910 for Hope to the southeast angle of parcel "G"; thence westerly along the south limit of parcel "G" to the southwest angle thereof; thence northerly along the west limit of Parcel "G" to the southerly limit of Ward Street; thence westerly along the southerly limit of Ward Street a distance of approximately 350 feet to the Place of Beginning.

2. The Lessee shall release and surrender the said land from its lease above mentioned.

3. The School shall convey to the Town a parcel of land of an area equal to that of the parcel to be conveyed by the Town to the School lying south of the south limit of parcel "G" described in said instrument Number 13910 and east of the east limit of the land described in said instrument Number 13911.

4. The Town shall demise to the Lessee the parcel to be conveyed by the School to the Town for the unexpired term of the lease from the Town to the Lessee above mentioned and on and subject to covenants, provisoes, terms and conditions set out in the said Lease and with no additional rent.

5. The Lessee shall be entitled to cut and take for its own use the timber of all trees which must be cut to provide for the erection of said Arena, the trees to be designated by the School.

6. The boundaries of the parcels to be conveyed by the Town and the School shall be exactly determined by the Town Property Committee of the Council of the Town and by representatives of the School and shall be surveyed by the School before conveyances are drawn.

7. The School shall as soon as possible erect on the parcel to be conveyed by the Town to the School and shall maintain thereon as long as funds permit an Artificial Ice Arena to be known as the Peter G. Campbell Memorial Arena for use by the School, and to be available for use by Port Hope local hockey teams for games and practices and by the public for skating when not required for use by the School. The School shall be entitled to charge rents or fees for use of the Arena by the Public and the various teams.

8. The School shall use earth excavated in the course of such construction, firstly for levelling and filling a parking space immediately West of the parcel to be conveyed to the School, and shall dispose of surplus earth without in any way damaging or threatening to damage the race-track now or in the future or in any way interfering with the use of the Park by the Lessee now or in the future and shall place surplus earth at the disposal of the Lessee if it can do so without adding to the cost of construction.

9. The School's Contractor may place a temporary building or buildings on the land immediately west of the parcel to be conveyed to the School and use the said land as required during the course of construction, but no damage shall be done to trees on said land and no trees shall be removed therefrom except by consent of the Town and the Lessee.

10. The School shall take reasonable steps to minimize damage to the natural features and amenities of the Park by planting trees, by the design and appearance of the Arena and by other means.

11. The School shall fence by a standard fence or better fence the land to be conveyed by the Town to the School with a gate or gates leading to the parking space and the Town shall provide a gate or gates leading from Ward Street to the parking space.

12. All parties shall be responsible for seeing that persons entering the Arena have adequate access to and from the parking space.

13. The land to be conveyed by the Town to the School and the Arena shall be deemed and held and used for School purposes and shall be tax free as long as the Arena is maintained thereon and is available for use as above provided.

14. All parties shall do all acts and execute all instruments necessary for the carrying out of this Agreement.

15. If considered necessary an application shall be made by the Town and the School at the expense of the School to the Legislature of Ontario to confirm and validate this Agreement and all or any conveyances made pursuant thereto.

IN WITNESS WHEREOF the parties hereto have caused to be hereto affixed their Corporate Seals attested by the hands of their proper officers duly authorized and qualified in that behalf.

SIGNED, SEALED AND DELIVERED

In the Presence of

THE CORPORATION OF THE TOWN OF
PORT HOPE,

W. R. JEX,
Mayor.

A. MARK,
Clerk.

(Corporate Seal)

THE PORT HOPE AGRICULTURAL
SOCIETY,

WM. T. LIGHTLE,
President.

(Seal)

W. T. MARVIN,
Secretary.

(Seal)

THE CORPORATION OF TRINITY
COLLEGE SCHOOL,

J. W. LANGMUIR,
Chairman.

P. A. C. KETCHUM,
Headmaster.

(Corporate Seal)
Board of Governors.



BILL

An Act respecting the Town of Port Hope
and Trinity College School.

1st Reading

2nd Reading

3rd Reading

MR. FOOTE

(Private Bill)

No. 1

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Town of Port Hope and Trinity College School.

MR. FOOTE

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 1

1950

BILL

An Act respecting the Town of Port Hope and
Trinity College School.

WHEREAS the Corporation of the Town of Port Hope Preamble.
and the Corporation of Trinity College School, a corporation incorporated by *An Act to incorporate the Trinity College School*, being chapter 111 of the Statutes of Ontario, 1871-2, by their petition have prayed for special legislation in respect of the conveyance by the Town of Port Hope to Trinity College School of part of the Town Park of Port Hope as a site for the Peter G. Campbell Memorial Arena; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 1840, passed by the council of the Corporation of the Town of Port Hope on the 2nd day of August, 1949, and the agreement, dated the 2nd day of August, 1949, made between the Corporation of the Town of Port Hope, Port Hope Agricultural Society and the Corporation of Trinity College School, set out in the Schedule hereto, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto. By-law and agreement validated.

2. The deed made between the Corporation of the Town of Port Hope as grantor and the Corporation of Trinity College School as grantee, dated the 7th day of October, 1949, and registered in the registry office for the Registry Division of the East Riding of the County of Durham as No. C 9370 for the Town of Port Hope and No. 16214 for the Township of Hope is hereby confirmed and declared to be legal and valid, and the lands described in the deed are hereby declared to be vested in the Corporation of Trinity College School in fee simple free of all trusts, reservations, limitations, restrictions, covenants, provisoes and conditions except the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown. Deed of lands validated.

Exemption
from
taxation.

3. The lands described in the deed shall be exempt from all taxes for municipal or school purposes other than local improvements as long as they are held by the Corporation of Trinity College School and used in accordance with the agreement mentioned in section 1.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Town of Port Hope and Trinity College School Act, 1950.*

SCHEDULE

THE CORPORATION OF THE TOWN OF PORT HOPE

BY-LAW NUMBER 1840

A By-law to authorize the entering into of an agreement between the Corporation of the Town of Port Hope and the Port Hope Agricultural Society and the Corporation of Trinity College School.

WHEREAS the Corporation of Trinity College School hereinafter called the School proposes to erect and maintain an artificial ice arena to be known as the Peter G. Campbell Memorial Arena;

AND WHEREAS the School proposes to make the arena available for use by Port Hope local hockey teams for games and practices and by the public for skating when not required for use by the School, at such charges as the School may find necessary to make;

AND WHEREAS under the terms of the gift to the School of the funds required to erect the arena it is necessary that the arena be on or immediately adjacent to the School grounds;

AND WHEREAS there is no land within the Town of Port Hope suitable and available for the purpose of constructing an arena thereon within the terms of the gift to the School except the top of the hill in the Town Park;

AND WHEREAS it is desirable in the interests of the people of the Town of Port Hope that the arena be built within the Town limits;

AND WHEREAS the Port Hope Agricultural Society, Lessee of the Town Park, has agreed to surrender from its Lease sufficient land as a site for the arena;

AND WHEREAS an Agreement has been negotiated between the Corporation of the Town of Port Hope and the Port Hope Agricultural Society and the Corporation of Trinity College School a copy of which is hereto annexed as a schedule to this by-law;

NOW THEREFORE IT^s IS ENACTED as a By-law of the Corporation of the Town of Port Hope as follows:

1. The Agreement made between the Corporation of the Town of Port Hope of the First Part and the Port Hope Agricultural Society of the Second Part and the Corporation of Trinity College School of the Third Part a copy of which is annexed as a Schedule to this By-law is approved and confirmed.

2. The Mayor and Clerk are authorized and directed to execute the said Agreement on behalf of the Corporation of the Town of Port Hope and to cause the Corporate Seal to be affixed thereto.

3. The Mayor and Clerk are authorized and directed to execute on behalf of the Corporation of the Town of Port Hope all deeds, conveyances and other instruments required to carry out the provisions of the said Agreement and to cause the Corporate Seal to be affixed thereto.

4. The Mayor and Clerk are authorized to submit to the Legislature of Ontario, if considered necessary, an application on behalf of the Corporation of the Town of Port Hope for the passing of a special Act of the Legislature to confirm and validate this Agreement and all or any conveyances made pursuant thereto.

5. The Town Property Committee is authorized to settle on behalf of the Corporation of the Town of Port Hope the boundaries of the lands

to be conveyed pursuant to this Agreement and to settle and carry out all matters and things incidental to the completion of the said Agreement.

PASSED in open Council the 2nd day of August, 1949.

(Seal)

(Sgd.) W. R. JEX,
Mayor.
(Sgd.) A. MARK,
Clerk.

AGREEMENT made the 2nd day of August, 1949.

BETWEEN:

THE CORPORATION OF THE TOWN OF PORT HOPE,
hereinafter called the Town,

OF THE FIRST PART,

—and—

THE PORT HOPE AGRICULTURAL SOCIETY, hereinafter called the Lessee,

OF THE SECOND PART,

—and—

THE CORPORATION OF TRINITY COLLEGE SCHOOL,
hereinafter called the School,

OF THE THIRD PART.

WHEREAS the Town is seised in fee simple of a parcel of land known as the Pine Hill Estate as shown on Plan of Lot Number 4 in the First Concession of the Township of Hope made by John K. Roche, D.P.S., for the University of Toronto registered in the Registry Office for the East Riding of the County of Durham as Plan Number 11 for the Town of Port Hope under the terms set out in instruments registered in said Registry Office as Numbers 3583 and 8460 for the Town of Port Hope;

AND WHEREAS the Town is seised in fee simple of part of Lot Number 3 in the First Concession of the Township of Hope described in instrument registered in said Registry Office as Number 4910 for the Township of Hope under the terms and conditions set out in said instrument;

SAVE AND EXCEPT the part thereof known as parcel "G" conveyed by the Town to the School by instrument registered in said Registry Office as Number 13910 for the Township of Hope;

AND WHEREAS the Town is seised in fee simple of part of Lot Number 3 in the First Concession of the Township of Hope described in instrument registered in the said Registry Office as Number 13911 for the said Township;

AND WHEREAS the Lessee is in possession of the said three parcels of land under a lease made by the Town to the Lessee dated the 22nd day of August, 1945, for a term which has not expired;

AND WHEREAS the School is seised in fee simple of those parts of Lot Number 3, in the First Concession of the Township of Hope lying east of the parcels owned by the Town;

AND WHEREAS the Town and the School have agreed to an exchange of lands in order to permit the School to erect on part of the parcels firstly and secondly above mentioned an Artificial Ice Rink to be known as The Peter G. Campbell Memorial Arena and the Lessee has agreed to release the necessary land;

NOW THEREFORE the parties in consideration of the mutual undertakings hereinafter contained mutually agree as follows:

1. The Town shall convey to the School a parcel of land, part of the Pine Hill Estate and part of Lot 3 in the First Concession of the

Township of Hope roughly described as follows: Commencing at a stake planted in the southerly limit of Ward Street approximately 25 feet westerly thereon from the west post of a gate at the top of the hill; thence southerly following a line of stakes approximately at right angles to the southerly limit of Ward Street to a point 350 feet southerly from the southerly limit of Ward Street; thence easterly at right angles to the last mentioned course in a straight line to the east limit of the land in 4910 for Hope south of parcel "G"; thence northerly along the east limit of land in 4910 for Hope to the southeast angle of parcel "G"; thence westerly along the south limit of parcel "G" to the southwest angle thereof; thence northerly along the west limit of Parcel "G" to the southerly limit of Ward Street; thence westerly along the southerly limit of Ward Street a distance of approximately 350 feet to the Place of Beginning.

2. The Lessee shall release and surrender the said land from its lease above mentioned.

3. The School shall convey to the Town a parcel of land of an area equal to that of the parcel to be conveyed by the Town to the School lying south of the south limit of parcel "G" described in said instrument Number 13910 and east of the east limit of the land described in said instrument Number 13911.

4. The Town shall demise to the Lessee the parcel to be conveyed by the School to the Town for the unexpired term of the lease from the Town to the Lessee above mentioned and on and subject to covenants, provisoes, terms and conditions set out in the said Lease and with no additional rent.

5. The Lessee shall be entitled to cut and take for its own use the timber of all trees which must be cut to provide for the erection of said Arena, the trees to be designated by the School.

6. The boundaries of the parcels to be conveyed by the Town and the School shall be exactly determined by the Town Property Committee of the Council of the Town and by representatives of the School and shall be surveyed by the School before conveyances are drawn.

7. The School shall as soon as possible erect on the parcel to be conveyed by the Town to the School and shall maintain thereon as long as funds permit an Artificial Ice Arena to be known as the Peter G. Campbell Memorial Arena for use by the School, and to be available for use by Port Hope local hockey teams for games and practices and by the public for skating when not required for use by the School. The School shall be entitled to charge rents or fees for use of the Arena by the Public and the various teams.

8. The School shall use earth excavated in the course of such construction, firstly for levelling and filling a parking space immediately West of the parcel to be conveyed to the School, and shall dispose of surplus earth without in any way damaging or threatening to damage the race-track now or in the future or in any way interfering with the use of the Park by the Lessee now or in the future and shall place surplus earth at the disposal of the Lessee if it can do so without adding to the cost of construction.

9. The School's Contractor may place a temporary building or buildings on the land immediately west of the parcel to be conveyed to the School and use the said land as required during the course of construction, but no damage shall be done to trees on said land and no trees shall be removed therefrom except by consent of the Town and the Lessee.

10. The School shall take reasonable steps to minimize damage to the natural features and amenities of the Park by planting trees, by the design and appearance of the Arena and by other means.

11. The School shall fence by a standard fence or better fence the land to be conveyed by the Town to the School with a gate or gates leading to the parking space and the Town shall provide a gate or gates leading from Ward Street to the parking space.

12. All parties shall be responsible for seeing that persons entering the Arena have adequate access to and from the parking space.

13. The land to be conveyed by the Town to the School and the Arena shall be deemed and held and used for School purposes and shall be tax free as long as the Arena is maintained thereon and is available for use as above provided.

14. All parties shall do all acts and execute all instruments necessary for the carrying out of this Agreement.

15. If considered necessary an application shall be made by the Town and the School at the expense of the School to the Legislature of Ontario to confirm and validate this Agreement and all or any conveyances made pursuant thereto.

IN WITNESS WHEREOF the parties hereto have caused to be hereto affixed their Corporate Seals attested by the hands of their proper officers duly authorized and qualified in that behalf.

SIGNED, SEALED AND DELIVERED

In the Presence of

THE CORPORATION OF THE TOWN OF
PORT HOPE,

W. R. JEX, *Mayor.*

A. MARK, *Clerk.*

(Corporate Seal)

THE PORT HOPE AGRICULTURAL
SOCIETY,

WM. T. LIGHTLE, *President.*

(Seal)

W. T. MARVIN, *Secretary.*

(Seal)

THE CORPORATION OF TRINITY
COLLEGE SCHOOL,

J. W. LANGMUIR, *Chairman.*

P. A. C. KETCHUM, *Headmaster.*

(Corporate Seal)
Board of Governors.



BILL

An Act respecting the Town of Port Hope
and Trinity College School.

1st Reading

February 28th, 1950

2nd Reading

March 8th, 1950

3rd Reading

March 13th, 1950

MR. FOOTE

No. 2

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Hamilton.

MR. EASTON

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the City of Hamilton.

WHEREAS the Corporation of the City of Hamilton by Preamble, its petition has prayed for special legislation to validate By-law No. 6366 as amended by By-law No. 6461 of the City, and to validate a certain agreement, dated the 12th day of December, 1949, between the City and the Fund; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion.

- (a) "City" means the Corporation of the City of Hamilton;
- (b) "Fund" means the Hamilton Police Benefit Fund, incorporated under *An Act respecting Benevolent, Provident and other Societies*, being chapter 172 of the Revised Statutes of Ontario, 1887.

2. By-law No. 6366 of the City passed on the 22nd day of February, 1949, as amended by By-law No. 6461 of the City passed on the 8th day of November, 1949, entitled a by-law "To Provide for the Disposition of the Hamilton Police Benefit Fund", set out in Schedule A hereto, and the agreement dated the 12th day of December, 1949, between the City and the Fund, and concurred in by the Board of Commissioners of Police of the City of Hamilton, set out in Schedule B hereto, are confirmed and declared to be legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, and the City is hereby authorized and empowered to pass such other by-laws, to enter into such other agreements and to do all such other acts, matters and things that may be deemed necessary by the City for the full and proper carrying out of the provisions of the said agreement and the said By-law No. 6366 as amended by By-law No. 6461.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of Hamilton Act, 1950*.

SCHEDULE A

BY-LAW No. 6366

(As amended by By-law No. 6461 passed on the 8th November, 1949)

To Provide for the Disposition of the Hamilton Police Benefit Fund.

WHEREAS the Hamilton Police Benefit Fund deem it advisable to wind up the said Benefit Fund in order to preserve and maintain the benefits to the members of the Fund;

THEREFORE, the Council of The Corporation of the City of Hamilton enacts as follows:

DEFINITIONS

In this By-law, unless a contrary intention appears,

"Auditor" means the Auditor of the Corporation of the City of Hamilton;

"City" means the Corporation of the City of Hamilton;

"Committee" means the Hamilton Police Pension Committee, referred to in clause 5 of By-law No. 6344 passed by the City Council on January 25th, 1949;

"Employee" means a full time employee of the Corporation of the City of Hamilton who was a member of the Hamilton Police Force on the 1st day of April, 1948;

"Normal Retirement" means retirement on the first day of the month immediately following an employee's 60th birthday, provided however, if an employee be of the rank of Inspector or higher, it shall be on the first day of the month immediately following his 65th birthday;

"Treasurer" means the Treasurer of the Corporation of the City of Hamilton;

"Year" means a Calendar Year.

1. The Hamilton Police Benefit Fund will be wound up after the passing of this By-law and when the total sum of money in the Fund when wound up, is determined, the Mayor and the City Treasurer are authorized to accept from the duly authorized officers of the said Fund the total sum on behalf of the City Corporation, and to give a receipt therefor, which total sum shall be used for the following purposes:

The City shall purchase an annuity or annuities, as the case may be, for each person in receipt of a pension from the said Hamilton Police Benefit Fund on the day the act confirming this By-law received the Royal Assent. Such annuity or annuities to be purchased as follows:

- (a) That part of his pension that is not in excess of the Government Annuity Maximum shall be purchased from the Government Annuities Branch, Ottawa.
- (b) That part of any such pension that exceeds the Government Annuity shall be purchased from an Insurance Company.
- (c) Provided however, in the event of an application for an annuity under (a) and (b) herein being unobtainable, the Committee are hereby empowered to pay such annuity from the Reserve Fund.

2. After providing for pensions by the purchase of an annuity or annuities as provided in clause 1 (a) and (b) herein, each employee shall be entitled to a proportion of the remainder of the Fund and such proportion shall be determined by the following formula, i.e., to the annual

payroll contributions of each employee from the time he joined the Fund add thereto an annual pro rata distribution of the difference between the revenue from all sources, exclusive of payroll contributions, and the expenditure for all purposes, exclusive of pensions, and the proportion that the total of such accumulations of each member bears to the total of the accumulations of all members shall be the proportion of the remainder of the Fund to which each member is entitled and the amount resulting from the application of the aforementioned formula shall hereinafter be referred to as "Equity."

3. From the equity, in accordance with said clause 2, of each employee, the City shall purchase an annuity from the Government Annuities Branch subject to the following conditions:

- (a) If the amount realized from his equity is in excess of the amount required to purchase a maximum Government Annuity, or an Annuity equal to his pension whichever may be the lesser, such excess amount shall be deposited to his credit in the Police Benefit Reserve Fund hereinafter referred to as the "Reserve Fund."
- (b) If the amount realized from his equity is less than the amount required to purchase a maximum Government Annuity or an annuity equal to his pension, whichever may be the lesser, the amount realized from the equity shall be used for the purchase of a Government Annuity.

RESERVE FUND

4. (1) (a) The Reserve Fund shall be kept in a special bank account. If, at any time the amount of the assets of this Fund is insufficient to pay any liability that may be a charge to the Fund, the City shall deposit the required amount therein to meet such deficiency.

(b) All vouchers for payments from this Fund shall be signed by the Secretary and the Chairman of the Committee and after being duly verified and audited by the Auditor, shall be paid by the Treasurer with cheques bearing the same signatures as the cheques issued on the General Fund of the City Corporation.

(c) The Treasurer, with the approval of the Board of Control, shall invest any monies on deposit in the Bank account of the Fund that are not immediately required for the purposes of the Fund, in Municipal or Government Bonds. The interest earned by such investments shall be distributed annually to the credit of each employee's account pro rata on the average balance for the year.

(d) Within 6 months after the Hamilton Police Benefit Fund is wound up and the total sum of money in the Fund is paid over to the Corporation of the City of Hamilton, as herein provided, a qualified actuary, other than an employee or servant of the City, shall be retained by the City to make an actuarial report and give an actuarial certificate with respect to the said Funds; such certificate shall set out the yearly amount, if any, required to be paid into the said Fund to make the said Fund actuarially solvent computed on a basis of equal yearly payments over a period of thirty years. During the first year after the said Fund has been turned over to the City and for each of the four following years the City shall pay into the Fund the yearly amounts set forth in the said actuarial certificate. At the end of the said five year period and at the end of every succeeding five years, an independent actuary shall make a similar survey of the said Fund and give an actuarial certificate, and the City during the next succeeding five years shall pay the yearly amount into the Fund as certified by the actuary to make it actuarially solvent. This requirement as to an independent actuarial examination and certificate shall continue and the examination and certificate shall be made each five years during the lifetime of the Fund and the City shall make the payments as required by the actuarial certificates.

(2) The Treasurer shall keep or cause to be kept such records as may be necessary to record all transactions of the Fund and (inter alia) he shall record as follows:

CREDITS

An employee shall be credited with:

- (a) The balance of the Equity of Employee in the Hamilton Police Benefit Fund that may not be required to be paid to the Government Annuities Branch for the purchase of Government Annuity.
- (b) The payroll contributions of each employee and the City that may not be required to be paid to the Government Annuities Branch for the purchase of his Government Annuity.
- (c) The share due his account from earnings on investments.

DEBITS

Each employee shall be debited with the following provided there is a credit balance in his account and in total only to the amount of such credit balance:

- (a) A refund to the employee of the amount to his credit in event of his resignation or discharge.
- (b) A refund of the amount standing to the credit of the deceased shall be paid to his beneficiary or legal representative in event of the decease of the employee or pensioner, as the case may be, in accordance with Clause 6-B.
- (c) The amount that his Normal Retirement pension may be in excess of his Government Annuity.

EXCESS EQUITY AND PAYROLL CONTRIBUTIONS

5. That portion of an employee's Equity in the Hamilton Police Benefit Fund or of the payroll contributions made by himself and the City that may be in excess of the amount required to purchase a maximum Government Annuity or Annuity equal to his pension whichever may be the lesser shall be held to his credit in the Reserve Fund.

REFUNDS

6. (a) An employee who resigns or is dismissed from the service of the City shall receive a refund of the amount of his credit in the Reserve Fund.

(b) The beneficiary or the legal representative of a person in receipt of a pension at the time of death, or the beneficiary or legal representative of a deceased employee shall receive a refund of any amount that may be standing to the credit in the Reserve Fund of such deceased pensioner or deceased employee, provided, however, that no refund shall be made after a person in receipt of a pension has attained his Seventy-fourth (74) birthday.

NORMAL PENSION

7. Every employee who retires on his normal retirement date shall receive a pension equal in amount to one-half of his salary for the year immediately preceding the date of his normal retirement or one-half of the average of the five highest annual salaries paid to him in 10 years immediately preceding the year of retirement, whichever may be the higher, but not in any case to exceed \$2,500.00 per annum. The amount of his normal pension shall include the amount of his Government Annuity.

NON OCCUPATIONAL DISABILITY PENSION

8. In event of an employee with 5 or more years of service becoming unfit for further police service he shall not be entitled to a Normal Pension,

but, if the Committee is satisfied from medical evidence, of which it shall be the sole judge, then such employee shall be entitled to a Non Occupational Disability pension at the rate of $1\frac{1}{4}\%$ of such employee's salary (the amount of which shall be determined according to clause 7) multiplied by the number of years of service, but not in any case to exceed the amount of \$2,500.00 per annum. The amount of his Disability Pension shall include the amount of his Government Annuity.

PAYMENT OF PENSIONS

9. The pension payable in accordance with the provisions of Clause 7 or 8 shall be paid in equal monthly instalments as follows:

- (a) The amount payable by the Government Annuities Branch.
- (b) The amount that his Government Annuity is less than the amount of his pension shall be paid from the Reserve Fund.

EXCESS CONTRIBUTIONS

10. (a) In event of a maximum annuity having been purchased from the Government Annuities Branch for an employee, then his contributions thereafter shall be placed to his credit in the Reserve Fund.

(b) In the event of a maximum annuity having been purchased from the Annuities Branch for an employee, then the City's payroll contributions on behalf of such employee shall be placed to his credit in the Reserve Fund.

MISCELLANEOUS

11. In order to remove doubts, each employee shall be entitled to a Government Annuity of not less than \$1,200.00 per annum, and in any case where the Equity of an employee together with the payroll contribution of the said employee and contributions of the City are not sufficient to purchase a Government Annuity of \$1,200.00 on his normal retirement date, the Reserve Fund shall provide the additional amount required to be paid to the Government Annuities Branch.

12. The Treasurer shall report to the Board of Control the transactions of the Reserve Fund for the calendar year immediately preceding the date of the report, which shall be not later than February 15th in each year. The particulars of the report should contain:

- (1) The number of persons who received pensions.
- (2) The total amount of pensions paid.
- (3) The total amount paid due to resignations or deaths.
- (4) (a) Value of assets at commencement of the year.
- (b) Value of assets at the end of the year.

13. The Council of The Corporation of the City of Hamilton is hereby authorized and empowered to apply to the Legislature of the Province of Ontario to obtain the approval of the said Legislature to this By-law.

14. This By-law shall take effect and come into force upon the final passing thereof, and upon receiving the validation of the Legislature of the said Province.

PASSED this 22nd day of February, A.D. 1949.

(Seal)

SAMUEL LAWRENCE,
Mayor.
J. F. BERRY,
City Clerk.

SCHEDULE B

MEMORANDUM OF AGREEMENT made this twelfth day of December, A.D. 1949.

BETWEEN:

HAMILTON POLICE BENEFIT FUND, hereinafter
called the "Fund",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF HAMILTON,
hereinafter called the "City",

OF THE SECOND PART,

—and—

THE BOARD OF COMMISSIONERS OF POLICE OF
THE CITY OF HAMILTON, hereinafter called the
"Police Commissioners",

OF THE THIRD PART.

WHEREAS the City enacted By-law No. 6344 to provide pensions for members of the Hamilton Police Force by arrangement with His Majesty (pursuant to the Government Annuities Act) on the 25th day of January, 1949, and amended said by-law by enacting By-law No. 6460 on the 8th day of November, 1949;

AND WHEREAS said By-law No. 6344 as amended by said By-law No. 6460 is stated to become operative upon the approval thereof by the Department of Municipal Affairs; and whereas the said approval of the Department of Municipal Affairs has been given the said by-law;

AND WHEREAS the City did on the 22nd of February, 1949, enact By-law No. 6366 to provide for the disposition of the Hamilton Police Benefit Fund, and did on the 8th day of November, 1949, enact By-law No. 6461 amending said By-law No. 6366.

AND WHEREAS said By-law No. 6366 as amended by By-law No. 6461 takes effect and comes into force upon receiving the validation of the Legislature of the Province of Ontario;

AND WHEREAS it is deemed proper that this agreement shall be entered into to effectively carry out the provisions of said By-law No. 6366 as amended by By-law No. 6461;

NOW THEREFORE this indenture witnesseth and the parties hereto covenant and agree each with the other as follows:

1. Hamilton Police Benefit Fund hereby approves, ratifies, confirms and concurs in the provisions of said By-law No. 6366 of the City as amended by said By-law No. 6461 of the City.

2. Hamilton Police Benefit Fund does hereby agree to be bound by the terms and provisions of said By-law No. 6366 as amended by By-law No. 6461.

3. The Benefit Fund Committee of the Fund, and the officers and officials of the Fund, are directed and authorized and empowered to do all things necessary to carry out the provisions of said By-law No. 6366 as amended by By-law No. 6461 and to execute all documents and do all such other acts, matters and things as may be deemed necessary or advisable for the full and proper carrying out of the provisions of said By-law No. 6366 as amended by By-law No. 6461.

4. The Police Commissioners hereby sanction and approve of the terms of this agreement entered into by the Fund.

5. Upon the execution of this agreement and upon the validation of said By-law No. 6366 as amended by By-law No. 6461 by the Legislature of the Province of Ontario, the Police Commissioners shall be fully and effectually released from any and all liability to the Fund and to the individual members thereof.

6. This agreement shall take effect and come into force upon said By-law No. 6366 as amended by By-law No. 6461 receiving the validation of the Legislature of the Province of Ontario.

This agreement shall enure to the benefit of and be binding upon the parties hereto their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Fund and the City have hereunto affixed their corporate seal in the hands of their proper officers and the Police Commissioners have executed the same under the hand of their Chairman.

SIGNED, SEALED AND DELIVERED

in the presence of

A. J. POLSON.

Corporate Seal, Hamilton
Police Benefit Fund.

Corporate Seal,
The Corporation of the
City of Hamilton.

HAMILTON POLICE BENEFIT FUND,

Per:

S. W. BLACK,
Chairman.

Per:

J. R. CROCKER,
Treasurer.

Per:

E. HOWELL,
Secretary.

THE BOARD OF COMMISSIONERS OF
POLICE OF THE CITY OF HAMILTON,

W. F. SCHWENGER,
Chairman.

SAM LAWRENCE,
Commissioner.

THE CORPORATION OF THE CITY OF
HAMILTON,

SAM LAWRENCE,
Mayor.

J. F. BERRY,
City Clerk.

BILL

An Act respecting the City of Hamilton.

1st Reading

2nd Reading

3rd Reading

MR. EASTON

(Private Bill)

No. 2

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Hamilton.

MR. EASTON

THE UNIVERSITY OF CHICAGO

1915

CHICAGO, ILL.

BILL

An Act respecting the City of Hamilton.

WHEREAS the Corporation of the City of Hamilton by Preamble.
its petition has prayed for special legislation to validate
By-law No. 6366 as amended by By-law No. 6461 of the City,
and to validate a certain agreement, dated the 12th day of
December, 1949, between the City and the Fund; and whereas
it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,

Interpreta-
tion.

- (a) "City" means the Corporation of the City of Hamilton;
- (b) "Fund" means the Hamilton Police Benefit Fund, incorporated under *An Act respecting Benevolent, Provident and other Societies*, being chapter 172 of the Revised Statutes of Ontario, 1887.

2. By-law No. 6366 of the City passed on the 22nd day of February, 1949, as amended by By-law No. 6461 of the City passed on the 8th day of November, 1949, entitled a by-law "To Provide for the Disposition of the Hamilton Police Benefit Fund", set out in Schedule A hereto, and the agreement dated the 12th day of December, 1949, between the City and the Fund, and concurred in by the Board of Commissioners of Police of the City of Hamilton, set out in Schedule B hereto, are confirmed and declared to be legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, and the City is hereby authorized and empowered to pass such other by-laws, to enter into such other agreements and to do all such other acts, matters and things that may be deemed necessary by the City for the full and proper carrying out of the provisions of the said agreement and the said By-law No. 6366 as amended by By-law No. 6461. By-law and agreement confirmed.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of Hamilton Act, 1950.*

SCHEDULE A

BY-LAW No. 6366

(As amended by By-law No. 6461 passed on the 8th November, 1949)

To Provide for the Disposition of the Hamilton Police Benefit Fund.

WHEREAS the Hamilton Police Benefit Fund deem it advisable to wind up the said Benefit Fund in order to preserve and maintain the benefits to the members of the Fund;

THEREFORE, the Council of The Corporation of the City of Hamilton enacts as follows:

DEFINITIONS

In this By-law, unless a contrary intention appears,

"Auditor" means the Auditor of the Corporation of the City of Hamilton;

"City" means the Corporation of the City of Hamilton;

"Committee" means the Hamilton Police Pension Committee, referred to in clause 5 of By-law No. 6344 passed by the City Council on January 25th, 1949;

"Employee" means a full time employee of the Corporation of the City of Hamilton who was a member of the Hamilton Police Force on the 1st day of April, 1948;

"Normal Retirement" means retirement on the first day of the month immediately following an employee's 60th birthday, provided however, if an employee be of the rank of Inspector or higher, it shall be on the first day of the month immediately following his 65th birthday;

"Treasurer" means the Treasurer of the Corporation of the City of Hamilton;

"Year" means a Calendar Year.

1. The Hamilton Police Benefit Fund will be wound up after the passing of this By-law and when the total sum of money in the Fund when wound up, is determined, the Mayor and the City Treasurer are authorized to accept from the duly authorized officers of the said Fund the total sum on behalf of the City Corporation, and to give a receipt therefor, which total sum shall be used for the following purposes:

The City shall purchase an annuity or annuities, as the case may be, for each person in receipt of a pension from the said Hamilton Police Benefit Fund on the day the act confirming this By-law received the Royal Assent. Such annuity or annuities to be purchased as follows:

- (a) That part of his pension that is not in excess of the Government Annuity Maximum shall be purchased from the Government Annuities Branch, Ottawa.
- (b) That part of any such pension that exceeds the Government Annuity shall be purchased from an Insurance Company.
- (c) Provided however, in the event of an application for an annuity under (a) and (b) herein being unobtainable, the Committee are hereby empowered to pay such annuity from the Reserve Fund.

2. After providing for pensions by the purchase of an annuity or annuities as provided in clause 1 (a) and (b) herein, each employee shall be entitled to a proportion of the remainder of the Fund and such proportion shall be determined by the following formula, i.e., to the annual

payroll contributions of each employee from the time he joined the Fund add thereto an annual pro rata distribution of the difference between the revenue from all sources, exclusive of payroll contributions, and the expenditure for all purposes, exclusive of pensions, and the proportion that the total of such accumulations of each member bears to the total of the accumulations of all members shall be the proportion of the remainder of the Fund to which each member is entitled and the amount resulting from the application of the aforementioned formula shall hereinafter be referred to as "Equity."

3. From the equity, in accordance with said clause 2, of each employee, the City shall purchase an annuity from the Government Annuities Branch subject to the following conditions:

- (a) If the amount realized from his equity is in excess of the amount required to purchase a maximum Government Annuity, or an Annuity equal to his pension whichever may be the lesser, such excess amount shall be deposited to his credit in the Police Benefit Reserve Fund hereinafter referred to as the "Reserve Fund."
- (b) If the amount realized from his equity is less than the amount required to purchase a maximum Government Annuity or an annuity equal to his pension, whichever may be the lesser, the amount realized from the equity shall be used for the purchase of a Government Annuity.

RESERVE FUND

4. (1) (a) The Reserve Fund shall be kept in a special bank account. If, at any time the amount of the assets of this Fund is insufficient to pay any liability that may be a charge to the Fund, the City shall deposit the required amount therein to meet such deficiency.

(b) All vouchers for payments from this Fund shall be signed by the Secretary and the Chairman of the Committee and after being duly verified and audited by the Auditor, shall be paid by the Treasurer with cheques bearing the same signatures as the cheques issued on the General Fund of the City Corporation.

(c) The Treasurer, with the approval of the Board of Control, shall invest any monies on deposit in the Bank account of the Fund that are not immediately required for the purposes of the Fund, in Municipal or Government Bonds. The interest earned by such investments shall be distributed annually to the credit of each employee's account pro rata on the average balance for the year.

(d) Within 6 months after the Hamilton Police Benefit Fund is wound up and the total sum of money in the Fund is paid over to the Corporation of the City of Hamilton, as herein provided, a qualified actuary, other than an employee or servant of the City, shall be retained by the City to make an actuarial report and give an actuarial certificate with respect to the said Funds; such certificate shall set out the yearly amount, if any, required to be paid into the said Fund to make the said Fund actuarially solvent computed on a basis of equal yearly payments over a period of thirty years. During the first year after the said Fund has been turned over to the City and for each of the four following years the City shall pay into the Fund the yearly amounts set forth in the said actuarial certificate. At the end of the said five year period and at the end of every succeeding five years, an independent actuary shall make a similar survey of the said Fund and give an actuarial certificate, and the City during the next succeeding five years shall pay the yearly amount into the Fund as certified by the actuary to make it actuarially solvent. This requirement as to an independent actuarial examination and certificate shall continue and the examination and certificate shall be made each five years during the lifetime of the Fund and the City shall make the payments as required by the actuarial certificates.

(2) The Treasurer shall keep or cause to be kept such records as may be necessary to record all transactions of the Fund and (inter alia) he shall record as follows:

CREDITS

An employee shall be credited with:

- (a) The balance of the Equity of Employee in the Hamilton Police Benefit Fund that may not be required to be paid to the Government Annuities Branch for the purchase of Government Annuity.
- (b) The payroll contributions of each employee and the City that may not be required to be paid to the Government Annuities Branch for the purchase of his Government Annuity.
- (c) The share due his account from earnings on investments.

DEBITS

Each employee shall be debited with the following provided there is a credit balance in his account and in total only to the amount of such credit balance:

- (a) A refund to the employee of the amount to his credit in event of his resignation or discharge.
- (b) A refund of the amount standing to the credit of the deceased shall be paid to his beneficiary or legal representative in event of the decease of the employee or pensioner, as the case may be, in accordance with Clause 6-B.
- (c) The amount that his Normal Retirement pension may be in excess of his Government Annuity.

EXCESS EQUITY AND PAYROLL CONTRIBUTIONS

5. That portion of an employee's Equity in the Hamilton Police Benefit Fund or of the payroll contributions made by himself and the City that may be in excess of the amount required to purchase a maximum Government Annuity or Annuity equal to his pension whichever may be the lesser shall be held to his credit in the Reserve Fund.

REFUNDS

6. (a) An employee who resigns or is dismissed from the service of the City shall receive a refund of the amount of his credit in the Reserve Fund.

(b) The beneficiary or the legal representative of a person in receipt of a pension at the time of death, or the beneficiary or legal representative of a deceased employee shall receive a refund of any amount that may be standing to the credit in the Reserve Fund of such deceased pensioner or deceased employee, provided, however, that no refund shall be made after a person in receipt of a pension has attained his Seventy-fourth (74) birthday.

NORMAL PENSION

7. Every employee who retires on his normal retirement date shall receive a pension equal in amount to one-half of his salary for the year immediately preceding the date of his normal retirement or one-half of the average of the five highest annual salaries paid to him in 10 years immediately preceding the year of retirement, whichever may be the higher, but not in any case to exceed \$2,500.00 per annum. The amount of his normal pension shall include the amount of his Government Annuity.

NON OCCUPATIONAL DISABILITY PENSION

8. In event of an employee with 5 or more years of service becoming unfit for further police service he shall not be entitled to a Normal Pension,

but, if the Committee is satisfied from medical evidence, of which it shall be the sole judge, then such employee shall be entitled to a Non Occupational Disability pension at the rate of $1\frac{1}{4}\%$ of such employee's salary (the amount of which shall be determined according to clause 7) multiplied by the number of years of service, but not in any case to exceed the amount of \$2,500.00 per annum. The amount of his Disability Pension shall include the amount of his Government Annuity.

PAYMENT OF PENSIONS

9. The pension payable in accordance with the provisions of Clause 7 or 8 shall be paid in equal monthly instalments as follows:

- (a) The amount payable by the Government Annuities Branch.
- (b) The amount that his Government Annuity is less than the amount of his pension shall be paid from the Reserve Fund.

EXCESS CONTRIBUTIONS

10. (a) In event of a maximum annuity having been purchased from the Government Annuities Branch for an employee, then his contributions thereafter shall be placed to his credit in the Reserve Fund.

(b) In the event of a maximum annuity having been purchased from the Annuities Branch for an employee, then the City's payroll contributions on behalf of such employee shall be placed to his credit in the Reserve Fund.

MISCELLANEOUS

11. In order to remove doubts, each employee shall be entitled to a Government Annuity of not less than \$1,200.00 per annum, and in any case where the Equity of an employee together with the payroll contribution of the said employee and contributions of the City are not sufficient to purchase a Government Annuity of \$1,200.00 on his normal retirement date, the Reserve Fund shall provide the additional amount required to be paid to the Government Annuities Branch.

12. The Treasurer shall report to the Board of Control the transactions of the Reserve Fund for the calendar year immediately preceding the date of the report, which shall be not later than February 15th in each year. The particulars of the report should contain:

- (1) The number of persons who received pensions.
- (2) The total amount of pensions paid.
- (3) The total amount paid due to resignations or deaths.
- (4) (a) Value of assets at commencement of the year.
- (b) Value of assets at the end of the year.

13. The Council of The Corporation of the City of Hamilton is hereby authorized and empowered to apply to the Legislature of the Province of Ontario to obtain the approval of the said Legislature to this By-law.

14. This By-law shall take effect and come into force upon the final passing thereof, and upon receiving the validation of the Legislature of the said Province.

PASSED this 22nd day of February, A.D. 1949.

(Seal)

SAMUEL LAWRENCE,
Mayor.
J. F. BERRY,
City Clerk.

SCHEDULE B

MEMORANDUM OF AGREEMENT made this twelfth day of December, A.D. 1949.

BETWEEN:

HAMILTON POLICE BENEFIT FUND, hereinafter called the "Fund",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF HAMILTON, hereinafter called the "City",

OF THE SECOND PART,

—and—

THE BOARD OF COMMISSIONERS OF POLICE OF THE CITY OF HAMILTON, hereinafter called the "Police Commissioners",

OF THE THIRD PART.

WHEREAS the City enacted By-law No. 6344 to provide pensions for members of the Hamilton Police Force by arrangement with His Majesty (pursuant to the Government Annuities Act) on the 25th day of January, 1949, and amended said by-law by enacting By-law No. 6460 on the 8th day of November, 1949;

AND WHEREAS said By-law No. 6344 as amended by said By-law No. 6460 is stated to become operative upon the approval thereof by the Department of Municipal Affairs; and whereas the said approval of the Department of Municipal Affairs has been given the said by-law;

AND WHEREAS the City did on the 22nd of February, 1949, enact By-law No. 6366 to provide for the disposition of the Hamilton Police Benefit Fund, and did on the 8th day of November, 1949, enact By-law No. 6461 amending said By-law No. 6366.

AND WHEREAS said By-law No. 6366 as amended by By-law No. 6461 takes effect and comes into force upon receiving the validation of the Legislature of the Province of Ontario;

AND WHEREAS it is deemed proper that this agreement shall be entered into to effectively carry out the provisions of said By-law No. 6366 as amended by By-law No. 6461;

NOW THEREFORE this indenture witnesseth and the parties hereto covenant and agree each with the other as follows:

1. Hamilton Police Benefit Fund hereby approves, ratifies, confirms and concurs in the provisions of said By-law No. 6366 of the City as amended by said By-law No. 6461 of the City.

2. Hamilton Police Benefit Fund does hereby agree to be bound by the terms and provisions of said By-law No. 6366 as amended by By-law No. 6461.

3. The Benefit Fund Committee of the Fund, and the officers and officials of the Fund, are directed and authorized and empowered to do all things necessary to carry out the provisions of said By-law No. 6366 as amended by By-law No. 6461 and to execute all documents and do all such other acts, matters and things as may be deemed necessary or advisable for the full and proper carrying out of the provisions of said By-law No. 6366 as amended by By-law No. 6461.

4. The Police Commissioners hereby sanction and approve of the terms of this agreement entered into by the Fund.

5. Upon the execution of this agreement and upon the validation of said By-law No. 6366 as amended by By-law No. 6461 by the Legislature of the Province of Ontario, the Police Commissioners shall be fully and effectually released from any and all liability to the Fund and to the individual members thereof.

6. This agreement shall take effect and come into force upon said By-law No. 6366 as amended by By-law No. 6461 receiving the validation of the Legislature of the Province of Ontario.

This agreement shall enure to the benefit of and be binding upon the parties hereto their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Fund and the City have hereunto affixed their corporate seal in the hands of their proper officers and the Police Commissioners have executed the same under the hand of their Chairman.

SIGNED, SEALED AND DELIVERED

in the presence of

A. J. POLSON.

Corporate Seal, Hamilton
Police Benefit Fund.

Corporate Seal,
The Corporation of the
City of Hamilton.

HAMILTON POLICE BENEFIT FUND,

Per:

S. W. BLACK,
Chairman.

Per:

J. R. CROCKER,
Treasurer.

Per:

E. HOWELL,
Secretary.

THE BOARD OF COMMISSIONERS OF
POLICE OF THE CITY OF HAMILTON,

W. F. SCHWENGER,
Chairman.

SAM LAWRENCE,
Commissioner.

THE CORPORATION OF THE CITY OF
HAMILTON,

SAM LAWRENCE,
Mayor.

J. F. BERRY,
City Clerk.

BILL

An Act respecting the City of Hamilton.

1st Reading

February 28th, 1950

2nd Reading

March 8th, 1950

3rd Reading

March 13th, 1950

MR. EASTON

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Town of Parry Sound.

MR. JOHNSTON (Parry Sound)

(PRIVATE BILL)



BILL

An Act respecting the Town of Parry Sound.

WHEREAS the Corporation of the Town of Parry Sound by its petition has prayed for special legislation to release certain persons and lands in the Town from a certain restrictive covenant; and whereas it is expedient to grant the prayer of the petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The condition and covenant contained in the indentures registered in the registry office for the Town of Parry Sound which convey parts of the lands described in the Schedule hereto, whereby the grantees named therein, for themselves, their heirs and assigns, covenanted that they, their heirs and assigns, or any person or persons claiming through, from, under, or in trust for them, would not during the lives of the parties to the said indentures, and during the lives of the grandchildren of Her Majesty Queen Victoria, living at the date of the said indentures, and during the period of twenty-one years after the death of the survivor of such parties and such grandchildren, including in such period the day of the death of such survivor, sell or offer for sale, or dispose of for gain or reward, or by way of barter, or exchange, any spirituous or intoxicating liquors on the lands described in the said indentures or any part thereof, shall hereafter be null and void and the lands described in the said indentures, the said grantees, their heirs and assigns, and all persons claiming through, from, under, or in trust for them are hereby released from the restrictions imposed by the said condition and covenant. Condition and covenant declared null and void.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Town of Parry Sound Act, 1950*. Short title.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of McDougall in the District of Parry Sound containing by admeasurement twenty-one hundred and ninety-eight acres more or less and being composed at the time of a certain Grant from the Crown to William Beatty, James Hugh Beatty and William Beatty the younger, registered as No. 51 for the Township of McDougall and dated the 29th day of April, 1867, of Lots Numbers 24, 25, 26, 27, 28, 29 and 30 in the First Concession, Lots Numbers 24, 25, 26, 27, 28, 29, 30 and 31 in the Second Concession, Lots Numbers 24, 25, 26, 27, 28 and 29 in the Third Concession and Lots Numbers 18, 19 and 20 in Concession "A" in the Township of McDougall, which lands are now subdivided and compose the principal portion of the Town of Parry Sound.



BILL

An Act respecting the Town of
Parry Sound.

1st Reading

2nd Reading

3rd Reading

MR. JOHNSTON (Parry Sound)

(Private Bill)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Town of Parry Sound.

MR. JOHNSTON (Parry Sound)



BILL

An Act respecting the Town of Parry Sound.

WHEREAS the Corporation of the Town of Parry Sound by its petition has prayed for special legislation to release certain persons and lands in the Town from a certain restrictive covenant; and whereas it is expedient to grant the prayer of the petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The condition and covenant contained in the indentures registered in the registry office for the Town of Parry Sound which convey parts of the lands described in the Schedule hereto, whereby the grantees named therein, for themselves, their heirs and assigns, covenanted that they, their heirs and assigns, or any person or persons claiming through, from, under, or in trust for them, would not during the lives of the parties to the said indentures, and during the lives of the grandchildren of Her Majesty Queen Victoria, living at the date of the said indentures, and during the period of twenty-one years after the death of the survivor of such parties and such grandchildren, including in such period the day of the death of such survivor, sell or offer for sale, or dispose of for gain or reward, or by way of barter, or exchange, any spirituous or intoxicating liquors on the lands described in the said indentures or any part thereof, shall hereafter be null and void and the lands described in the said indentures, the said grantees, their heirs and assigns, and all persons claiming through, from, under, or in trust for them are hereby released from the restrictions imposed by the said condition and covenant. Condition and covenant declared null and void.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Town of Parry Sound Act, 1950*. Short title.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of McDougall in the District of Parry Sound containing by admeasurement twenty-one hundred and ninety-eight acres more or less and being composed at the time of a certain Grant from the Crown to William Beatty, James Hugh Beatty and William Beatty the younger, registered as No. 51 for the Township of McDougall and dated the 29th day of April, 1867, of Lots Numbers 24, 25, 26, 27, 28, 29 and 30 in the First Concession, Lots Numbers 24, 25, 26, 27, 28, 29, 30 and 31 in the Second Concession, Lots Numbers 24, 25, 26, 27, 28 and 29 in the Third Concession and Lots Numbers 18, 19 and 20 in Concession "A" in the Township of McDougall, which lands are now subdivided and compose the principal portion of the Town of Parry Sound.



BILL

An Act respecting the Town of
Parry Sound.

1st Reading

February 28th, 1950

2nd Reading

March 29th, 1950

3rd Reading

March 31st, 1950

Mr. JOHNSTON (Parry Sound)

No. 4

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting Canada Conference Evangelical Church.

MR. HOUCK

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 4

1950

BILL

An Act respecting Canada Conference Evangelical Church.

WHEREAS Canada Conference Evangelical Church by Preamble. its petition has represented that it was incorporated by an Act entitled *An Act to incorporate the Canada Conference Evangelical Church*, being chapter 112 of the Statutes of Ontario, 1930; and whereas the petitioner prays that the name of the corporation be changed; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The corporate name of Canada Conference Evangelical Church is hereby changed to The Canada Conference The Evangelical United Brethren Church. Corporate name changed.

2. All real and personal property, trusts, gifts, devises and bequests which have been heretofore held by or made to or shall hereafter be made to or in favour of or intended for, together with all the rights, powers and privileges of Canada Conference Evangelical Church shall be held and enjoyed by The Canada Conference The Evangelical United Brethren Church. Effect of change of name.

3. This Act may be cited as *The Canada Conference The Evangelical United Brethren Church Act, 1950.* Short title.

BILL

An Act respecting Canada Conference
Evangelical Church.

1st Reading

2nd Reading

3rd Reading

MR. HOUCK

(Private Bill)

No. 4

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting Canada Conference Evangelical Church.

MR. HOUCK

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 4

1950

BILL

An Act respecting Canada Conference Evangelical Church.

WHEREAS Canada Conference Evangelical Church by Preamble.
its petition has represented that it was incorporated by
an Act entitled *An Act to incorporate the Canada Conference* 1930, c. 112.
Evangelical Church, being chapter 112 of the Statutes of
Ontario, 1930; and whereas the petitioner prays that the name
of the corporation be changed; and whereas it is expedient
to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The corporate name of Canada Conference Evangelical Church is hereby changed to The Canada Conference The Evangelical United Brethren Church. Corporate name changed.

2. All real and personal property, trusts, gifts, devises and bequests which have been heretofore held by or made to or shall hereafter be made to or in favour of or intended for, together with all the rights, powers and privileges of Canada Conference Evangelical Church shall be held and enjoyed by The Canada Conference The Evangelical United Brethren Church. Effect of change of name.

3. This Act may be cited as *The Canada Conference The Evangelical United Brethren Church Act, 1950.* Short title.

BILL

An Act respecting Canada Conference
Evangelical Church.

1st Reading

February 28th, 1950

2nd Reading

March 10th, 1950

3rd Reading

March 15th, 1950

Mr. Houck

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to incorporate the Town of Malton.

MR. MACKENZIE

(PRIVATE BILL)



BILL

An Act to incorporate the Town of Malton.

WHEREAS the Trustees of the Police Village of Malton Preamble.
 (hereinafter called the Trustees), by their petition have represented that the Village has been in existence for a number of years and is part of the Townships of Toronto and Toronto Gore in the County of Peel; that there are situated in the area hereby described, very large and expanding industries and that there is a large residential district; that by petition signed by a large majority of the ratepayers in the area described in the Schedule hereto the Trustees have been requested to incorporate the area as a town and the Trustees have petitioned for the passing of this Act; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The inhabitants of the lands described in the Schedule hereto are hereby constituted a corporation or body politic under the name of The Corporation of the Town of Malton (hereinafter called the Town), separate and apart from the Townships of Toronto and Toronto Gore, and the area of the Town shall comprise and consist of the lands therein described which are hereby detached from the said Townships. Incorporation of Town.

2.—(1) The council of the Town shall consist of a mayor, a reeve, a deputy reeve and four councillors, until changed under the provisions of *The Municipal Act*. Composition of council. Rev. Stat., c. 266.

(2) The Trustees shall administer the affairs of the Town until the first meeting of the council of the Town is held and shall have all the powers and perform all the duties of the council of a town. The chairman of the Trustees shall act as and perform the duties of the mayor, and the secretary of the Trustees shall perform all the duties of the clerk and treasurer of the Town until a clerk and treasurer are appointed by the council. Administration until council takes office.

First
election.

(3) An election shall be held within two months after the day this Act comes into force for the purpose of electing persons to fill such offices until the council elected for the year 1952 takes office, and the provisions of *The Municipal Act* respecting the qualification and election of members of councils for towns shall apply, except that the Trustees shall not be disqualified from being nominated or elected to the council by reason of their continuing as such trustees.

Rev. Stat.,
c. 266.

Nomination
meeting.

3. The Trustees shall fix the place and time of the nomination meeting for the first election but such nomination meeting shall be held not more than three weeks and not less than one week before the holding of the first election and the clerk of the said Trustees shall be the returning officer for such election.

Voters'
lists.

4. The clerks of the Townships of Toronto and Toronto Gore shall furnish the secretary of the Trustees, upon demand, with certified copies of the last revised voters' lists of the said townships, and such persons as are named in the said voters' lists by virtue of their connection with lands situated within the limits set out in the Schedule hereto shall be the persons entitled to vote at the first election.

First
meeting
of council.

5. The council so to be elected shall hold their first meeting on the first Monday following the polling, and if there shall not be any polling, then on the first Monday following the nomination meeting at such time and place as may be fixed by the Trustees.

Application
of Rev. Stat.,
c. 266.

6. Save as in this Act otherwise expressly provided, all the provisions of *The Municipal Act* and of any other general Act applicable to towns, shall apply to the same extent as if the Town had been incorporated under the provisions of *The Municipal Act*.

Assets and
liabilities.

7.—(1) All the assets of the Police Village of Malton are hereby vested in the Town and the Town shall assume and be liable for all the liabilities of the Police Village.

Agreements
continued.

(2) All agreements made by the Police Village shall enure to and be binding upon the Town as if such agreements had been made by the Town.

Specific
agreement
continued.

(3) The agreement dated the 21st day of February, 1947, between the Corporation of the City of Toronto, the Corporation of the Township of Toronto, the Corporation of the Township of Toronto Gore and the Corporation of the County of Peel, as validated by section 1 of *The City of Toronto Act, 1947*, shall enure to and be binding upon the Town in so far

1947, c. 142.

as the agreement relates to lands and buildings situate within the limits of the Town and persons residing within the limits of the Town.

8.—(1) All taxes for the year 1950 shall be levied and collected by the Townships of Toronto and Toronto Gore in the same manner as if the Town had not been incorporated. Collection of 1950 taxes.

(2) All taxes levied for the Police Village of Malton for the year 1950 shall belong to the Town and shall be paid to the treasurer of the Town as collected. Payment of 1950 taxes.

(3) The treasurers of the Townships of Toronto and Toronto Gore shall pay to the treasurer of the Town 37½ per centum of all taxes levied on the area within the Town in the year 1950 for roads and bridges, fire protection and township purposes as collected. Idem.

(4) The townships are hereby relieved from responsibility for fire protection and road maintenance but shall remain responsible for direct relief and hospitalization until the end of the year 1950. Responsibility for fire protection, etc.

9. The clerks of the Townships of Toronto and Toronto Gore shall furnish the clerk of the Town, upon demand, with a certified copy of so much of the last revised assessment rolls of the said townships as may relate to the lands lying within the Town. Assessment rolls to be furnished.

10. The lands comprised in the Town shall be and remain parts of the existing school sections for all purposes as though this Act had not been passed, until some affirmative procedure is taken under the general Acts relating to education to alter this arrangement. School arrangements continued.

11. The council of the Town may appoint one person to fill the offices of clerk and treasurer in the said Town and another to fill the offices of assessor and collector. Officers of Town.

12. The expenses incurred in obtaining this Act and of furnishing any documents, copies of papers, writings, deeds, plans and any matters whatsoever required by the clerk or other officer of the Town or otherwise shall be borne by the Town and paid by it to any person who may be entitled thereto. Payment of expenses by Town.

13. Any dispute arising between the Town and the Corporations of the Townships of Toronto and Toronto Gore out of the provisions of this Act shall be determined by the Ontario Municipal Board and its decision shall be final and binding on all parties concerned. Reference of disputes to Municipal Board.

Commence-
ment of Act. **14.** This Act shall come into force on the day it receives
the Royal Assent.

Short title. **15.** This Act may be cited as *The Town of Malton Act, 1950*.

SCHEDULE

Township Lots 6 to 12 inclusive, in Concession 6 of the Township of Toronto, in the County of Peel; Township Lots 1 to 9 inclusive, the west half of Lot 10, all of Lot 11, and the west half of Lot 12, in Concession 7 of Toronto Gore Township, in the County of Peel; together with all original allowances for roads lying between any of the said lots.

BILL

An Act to incorporate the Town of Malton.

1st Reading

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Bill)

No. 6

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Port Arthur.

MR. ROBINSON

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 6

1950

BILL

An Act respecting the City of Port Arthur.

WHEREAS the Corporation of the City of Port Arthur ^{Preamble.} by its petition has represented that pursuant to *An Act respecting the Town of Port Arthur*, being chapter 91 of the ^{1906, c. 91.} Statutes of Ontario, 1906, certain lands in the municipality of Shuniah were purchased by the Town of Port Arthur (now the City of Port Arthur) for certain purposes set out in that Act; that that Act further provides that where any of the lands are not required for those purposes they may be sold or leased (in certain instances only with the assent of the ratepayers) at such sums as the District Judge may determine; that a large part of the lands has been subdivided into lots for the construction of dwellings and that to avoid expenditure and delay in these matters the Corporation has prayed that that Act be amended to authorize, subject to *The Bonus Limitation Act*, the sale or leasing of the lands without the necessity of the assent of the ratepayers or an application to the Judge and to provide that moneys realized from such sales or leases shall form part of the general funds of the Corporation; and whereas it is expedient to grant the prayer of the petition: ^{Rev. Stat., c. 267.}

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *An Act respecting the Town of Port Arthur*, being chapter 91 of the Statutes of Ontario, ^{1906, c. 91,} 1906, is amended by striking out all the words after the word ^{s. 3, subs. 3,} "purposes" in the eleventh line and inserting in lieu thereof the words "Provided that the said corporation, subject to *The Bonus Limitation Act*, may sell or lease any part of the said lands that is not required for the purposes aforesaid to any person, and any moneys realized from the sale or lease of any part of the said lands shall form part of the general funds of the corporation". ^{amended.}

2. Section 5 of *The Port Arthur and Shuniah Act*, 1923 ^{1923,} is repealed. ^{c. 81, s. 5,} repealed.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of Port Arthur Act, 1950*.



BILL

An Act respecting the City of
Port Arthur.

1st Reading

2nd Reading

3rd Reading

MR. ROBINSON

(*Private Bill*)

No. 6

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Port Arthur.

MR. ROBINSON

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the City of Port Arthur.

WHEREAS the Corporation of the City of Port Arthur ^{Preamble.}
by its petition has represented that pursuant to *An*
Act respecting the Town of Port Arthur, being chapter 91 of the ^{1906, c. 91.}
Statutes of Ontario, 1906, certain lands in the municipality of
Shuniah were purchased by the Town of Port Arthur (now
the City of Port Arthur) for certain purposes set out in that
Act; that that Act further provides that where any of the
lands are not required for those purposes they may be sold
or leased (in certain instances only with the assent of the rate-
payers) at such sums as the District Judge may determine;
that a large part of the lands has been subdivided into lots
for the construction of dwellings and that to avoid expenditure
and delay in these matters the Corporation has prayed that
that Act be amended to authorize, subject to *The Bonus* <sup>Rev. Stat.,
c. 267.</sup>
Limitation Act, the sale or leasing of the lands without the
necessity of the assent of the ratepayers or an application to
the Judge and to provide that moneys realized from such
sales or leases shall form part of the general funds of the
Corporation; and whereas it is expedient to grant the prayer
of the petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subsection 3 of section 3 of *An Act respecting the Town* <sup>1906, c. 91,
s. 3, subs. 3,
amended.</sup>
of Port Arthur, being chapter 91 of the Statutes of Ontario,
1906, is amended by striking out all the words after the word
"purposes" in the eleventh line and inserting in lieu thereof the
words "Provided that the said corporation, subject to *The*
Bonus Limitation Act, may sell or lease any part of the said
lands that is not required for the purposes aforesaid to any
person, and any moneys realized from the sale or lease of any
part of the said lands shall form part of the general funds of
the corporation".

2. Section 5 of *The Port Arthur and Shuniah Act*, 1923 <sup>1923,
c. 81, s. 5,
repealed.</sup>
is repealed.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of Port Arthur Act, 1950*.



An Act respecting the City of
Port Arthur.

1st Reading

February 28th, 1950

2nd Reading

March 8th, 1950

3rd Reading

March 13th, 1950

MR. ROBINSON

No. 7

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of London.

MR. PATRICK

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 7

1950

BILL

An Act respecting the City of London.

WHEREAS the Corporation of the City of London by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the City of London is authorized and empowered to enter into agreements from time to time with Canadian National Railway Company to amend or modify the provisions of an agreement entered into between the said parties, dated the 6th day of January, 1930, and confirmed by section 4 of *The City of London Act, 1930*. Agreements with C.N.R. authorized.
1930, c. 86.

2. The agreement between the Corporation of the City of London and Canadian National Railway Company, dated the 3rd day of October, 1947, and set out as Schedule A hereto, is hereby ratified and confirmed, and the parties thereto are hereby empowered to carry out the terms thereof. Agreement with C.N.R. ratified.

3. The agreement between the Corporation of the City of London and Western Fair Association, dated the 8th day of February, 1950, and set out as Schedule B hereto, is hereby ratified and confirmed and the said parties are hereby empowered to carry out the terms thereof. Agreement with Western Fair Assn. ratified.

4. The stopping up and closing of that part of Trafalgar Street in the City of London, lying between the easterly limit of Adelaide Street and a line drawn parallel to the westerly limit of Lansdowne Avenue, at a point distant one hundred and nine feet, one and one-half inches westerly from the westerly limit of Lansdowne Avenue, pursuant to by-law of the Corporation of the City of London, passed on the 2nd day of May, 1949, as Number S-55-95, and the lease thereof for the period of twenty years from the 2nd day of May, Street closing and lease ratified.

1949, to General Steel Wares Limited, set out as Schedule C hereto, is ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Powers, etc.,
of Public
Utilities
Commis-
sion.

1873, c. 102,
1914, c. 74.

Rev. Stat.,
c. 286.

5. The Public Utilities Commission of the City of London, incorporated by *An Act for the construction of Water-Works for the City of London*, being chapter 102 of the Statutes of Ontario, 1873, and section 7 of *The City of London Act, 1914*, is declared to have, and to have had, the powers, rights and privileges conferred upon municipal corporations and public utilities commissions established under *The Public Utilities Act*, and expressly the power to supply water and to lay mains and pipes along, through and over highways and private lands outside the corporate limits of the Corporation of the City of London, subject to the provisions of subsection 3 of section 11 of the said Act.

Levies for
street works.

6. The Corporation of the City of London is hereby authorized and empowered, from time to time, to pass by-laws levying upon lands owned or occupied by His Majesty in right of Ontario, The Board of Education for the City of London and The Board of Trustees of the Roman Catholic Separate Schools for the City of London for the cost of street cleaning, street sweeping and street oiling, in the same manner and to the same extent as the Corporation is empowered to levy for such purposes on rateable lands in the municipality.

Agreements
with Crown
re assess-
ment and
taxation.

7. The Corporation of the City of London is hereby authorized and empowered and declared to have had authority and power to enter into agreements with His Majesty in right of Canada or in right of Ontario, or any emanations thereof, to accept the undertakings of such governmental bodies or emanations thereof to pay sums of money in lieu of the assessment of and the levying of taxes upon their lands and premises or the tenants thereof or of carrying out any of the other provisions of *The Assessment Act* with regard thereto.

Agreements
re sewage
authorized.

8. The Corporation of the City of London is authorized and empowered and declared to have had the authority and power to enter into agreements with owners of lands in municipalities adjacent to the City of London undertaking to receive and treat sewage upon terms and conditions mutually agreed upon.

Purchase of
L. & P. S.
Railway.

9. The Corporation of the City of London is hereby authorized and empowered, in addition to all other powers now vested in it, to acquire, operate and dispose of the undertaking and assets of The London & Port Stanley Railway

Company, or any part thereof, and such authority and powers may be, by by-law, delegated to The London Railway Commission.

10. The Corporation of the City of London is hereby authorized and empowered and declared to have had the authority and power to acquire, use, hold and dispose of lands, premises, buildings and equipment throughout the County of Middlesex and the County of Elgin for the purposes of or in any way used in connection with the operation of The London & Port Stanley Railway or the advancement of the business thereof.

Powers outside City for purposes of L. & P. S. Railway.

11.—(1) Notwithstanding any of the provisions of *The Municipal Act*, the council of the Corporation of the City of London is hereby authorized and empowered to submit for the approval of the electors of the City of London entitled to vote on money by-laws, at any time during the years 1950, 1951 or 1952, any or all of the following:

Submission of by-laws to electors authorized. Rev. Stat., c. 266.

- (a) a by-law for the purchase of the undertaking and assets of The London Street Railway Company or any part thereof or the shares of the said Company;
- (b) a by-law for the granting of a franchise to any person or corporation to operate a transportation system in the City of London;
- (c) a by-law for the establishment, by purchase or otherwise, of a municipally-operated transportation system in the City of London;
- (d) a by-law for the reconstruction of the Canadian Pacific Railway Company's overhead bridge at Oxford Street in the City of London, in conjunction with the proposed new bridge over the River Thames at the said location;
- (e) by-laws for the borrowing of such money as may be required for any of the purposes hereinbefore referred to, and the issuing of debentures therefor.

(2) The votes on the said by-law or by-laws shall be taken in the manner required by and subject to all the provisions of *The Municipal Act* with respect to voting upon by-laws requiring the assent of the electors, other than those provisions as to the time of taking such vote.

Manner of taking votes.

(3) Upon such vote or votes being so taken, they shall have the same force and effect as if taken at the time and in the manner provided by *The Municipal Act*.

Effect of votes.

By-laws
respecting,

12. The council of the Corporation of the City of London may pass by-laws,

dwellings;

(a) regulating or prohibiting the use, for dwelling-purposes, of tents, vans, garages, sheds, barns, street cars, railway coaches, trailers or other small structures defined in the by-law and specifying the minimum space without which no building, erection or structure may be used for dwelling purposes;

National
Building
Code.

(b) enacting as a by-law or by-laws of the Corporation any or all of the provisions of The National Building Code as published by The National Research Council in 1948 as pamphlet Number 1068, and as the same may be amended from time to time, and providing for the enforcement thereof.

1949,
c. 130, s. 2,
amended.

13.—(1) Section 2 of *The City of London Act, 1949* is amended by adding after the word “thereof” in the fourth line the words “or the shares of the said Company”.

1949,
c. 130, s. 4,
amended.

(2) Section 4 of *The City of London Act, 1949* is amended by striking out the words “property rights” in the seventh line and inserting in lieu thereof the words “real and personal property, rights”.

Commence-
ment of Act.

14. This Act shall come into force on the day it receives the Royal Assent.

Short title.

15. This Act may be cited as *The City of London Act, 1950*.

SCHEDULE A

THIS AGREEMENT made (in duplicate) this Third day of October, A.D. 1947.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON,
OF THE FIRST PART,

—and—

CANADIAN NATIONAL RAILWAY COMPANY,
OF THE SECOND PART.

WHEREAS by Agreement bearing date the Sixth day of January, A.D. 1930, and which is set forth in Schedule "B" to an Act respecting the City of London being Statutes of Ontario, 1930, Chapter 86, the parties hereto entered into certain covenants and agreements as appears by paragraph 20 of the said agreement concerning the Teamway on York Street;

AND WHEREAS the parties hereto have agreed to rescind and cancel the said paragraph of the said agreement and the provisions contained therein upon the terms and conditions hereinafter set forth;

THEREFORE it is agreed by the parties hereto as follows:

1. Paragraph 20 of the said agreement which refers to "Teamway on York Street" is hereby rescinded and cancelled, and is declared to be of no further force or effect.

2. The party of the First Part will, upon this agreement becoming effective, and upon receiving the request, in writing, of the party of the Second Part, remove the sidewalk, boulevard, curb and gutter now constructed upon the southerly portion of York Street between the westerly limit of Waterloo and the easterly limit of Wellington Street, and replace the same with paving to comprise an addition on the south to the present travelled way.

3. The party of the First Part undertakes and agrees that it will not at any time thereafter build, construct, or cause, or permit to be built or constructed, a sidewalk on that part of York Street lying south of the present travelled way and between the westerly limit of Waterloo Street and the easterly limit of Wellington Street.

4. This agreement shall not come into force or take effect unless and until validated by an Act of the Legislature of the Province of Ontario, but upon such validation shall come into force and take effect upon the date that such validating Act shall come into force and take effect, provided always, that nothing herein contained shall be construed as requiring the party of the First Part to apply for special Legislation solely for this purpose.

IN WITNESS WHEREOF the parties hereto have caused to be affixed their Corporate seals, attested by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF
LONDON,

By:

G. A. WENIGE, *Mayor.*
(Seal) R. H. COOPER, *Clerk.*

CANADIAN NATIONAL RAILWAY
COMPANY.

N. B. WALTON, *Executive Vice-*
(Seal) *President.*
W. H. HOBBS, *Secretary.*

SCHEDULE B

THIS AGREEMENT made this Eighth day of February in the year of our Lord one thousand nine hundred and fifty.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the Corporation),

OF THE FIRST PART

—and—

WESTERN FAIR ASSOCIATION
(hereinafter called the Association),

OF THE SECOND PART.

WHEREAS the Corporation proposes to construct an Arena, Coliseum and Community Centre and the Association has agreed to permit the construction thereof wholly or partly upon the lands of the Association upon the terms and conditions hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the parties hereto covenant and agree each with the other as follows, that is to say:

1. The Association shall forthwith by ninety-nine year lease (in form satisfactory to the solicitor for the Corporation, including rights on expiry) or by outright grant, transfer unto the Corporation:

- (a) Such lands and premises located in the Fair Grounds of the Association as in the opinion of the Corporation shall be properly required for the purposes of the construction of the said Arena, Coliseum and Community Centre in a location immediately east of and adjoining the stock barn recently completed by the Association;
- (b) The right, liberty and privilege, in perpetuity, or for the term of the lease, of building into and utilizing the easterly wall of the said stock barn and incorporating it into the proposed Arena, Coliseum and Community Centre, with the right of making doorways and entrances from the said Arena, Coliseum and Community Centre into the said stock barn;
- (c) The right, either in perpetuity or for the term of the lease, unto the Corporation, its successors and assigns, its and their agents, servants, workpeople, contractors and others and those persons who may have occasion to use the said Arena, Coliseum and Community Centre with or without vehicles, machinery and equipment, to enter upon and cross the lands and premises of the Association, using them as a way to and from the highways of the Corporation and the said Arena, Coliseum and Community Centre;
- (d) The right, in perpetuity, or during the term of the said lease, to enter upon the lands and premises of the Association and to construct, maintain, use, repair and reconstruct water mains, power lines (either suspended upon poles or carried by underground cables) and sewers and drains for all purposes in connection with the said Arena, Coliseum and Community Centre;
- (e) The right either in perpetuity or during the term of the said lease, unto the Corporation, its successors and assigns to utilize, without charge, such portions of the lands and premises of the Association, as may be mutually agreed upon by the Corporation and the Association, for the purpose of parking thereon of mot or vehicles of persons using the said Arena, Coliseum and Community Centre.

2. The Corporation will provide for the purposes of the said construction the sum of \$1,000,000, if the ratepayers of the Corporation shall approve. Upon such approval being given the Corporation will call for tenders for the construction of the said Arena, Coliseum and Community Centre as expeditiously as technical and legal details can be arranged and will let the necessary contracts therefor and solely supervise and control such construction.

3. Upon the said Arena, Coliseum and Community Centre being completed the management and control thereof shall be solely in the hands of a Commission to be appointed by the Council of the Corporation as its agent and the operating profit therefrom shall be the property of the Corporation.

4. The said Arena, Coliseum and Community Centre shall be made available to the Association for the purpose of holding an annual Western Fair for a period of not less than six days during which time the public will be admitted thereto, and for such further period as may be necessarily required for the preparation therefor and the dismantling and removal of exhibits, goods and chattels thereafter. The said Arena, Coliseum and Community Centre shall also be available to the Association for the purposes of an annual Winter Fair for a period not exceeding six days, during which time the public will be admitted thereto, and for such further period as may be necessarily required for the preparation therefor and the dismantling and removal of exhibits, goods and chattels thereafter. The said Arena, Coliseum and Community Centre shall also be made available to the Association for such other agricultural purposes and displays for such times and for such purposes as to the Corporation, in its discretion, may appear proper. The occupation of the said premises by the Association shall be subject to such terms and conditions as to occupation and rental as may be mutually agreed upon and to the provision that the Association shall leave the said premises after use by it thoroughly cleaned and in good condition and repair. The Association agrees that it will repair and restore to their former condition the said premises in respect of any damage or destruction occurring during its occupancy.

The said stock barn of the Association shall be made available to the Corporation for use in conjunction with the said Arena, Coliseum and Community Centre, at such times and for such purposes as the Corporation may reasonably require and such occupation shall be subject to such terms, conditions and rental as may be mutually agreed upon, and to the provision that the Corporation shall leave the said premises after use by it thoroughly cleaned and in good condition and repair. The Corporation agrees that it will repair and restore to their former condition the said premises in respect of any damage or destruction occurring during its occupancy.

5. Nothing herein contained shall prejudice or affect the rights of the parties hereto as to their respective ownerships of lands or buildings, and nothing contained herein shall be deemed to be an admission or agreement on the part of either party which may affect the respective ownerships of any land or building.

6. This agreement shall be effective, upon the ratepayers of the Corporation approving the said expenditure and upon the Legislature of Ontario passing an Act empowering the parties to enter into this agreement and validating the same.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of:

DORIS KEW.

WESTERN FAIR ASSOCIATION.

(Seal) J. B. HAY, *President.*
W. D. JACKSON, *Manager.*

THE CORPORATION OF THE CITY OF LONDON,

By: G. A. WENIGE, *Mayor.*
(Seal) R. H. COOPER, *Clerk.*

SCHEDULE C

THIS INDENTURE made (in duplicate) this thirtieth day of June in the year of our Lord one thousand nine hundred and forty-nine.

IN PURSUANCE OF THE SHORT FORMS OF LEASES ACT.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the Lessor),

OF THE FIRST PART,

—and—

GENERAL STEEL WARES LIMITED,
(hereinafter called the Lessee),

OF THE SECOND PART.

WHEREAS by by-law of The Corporation of the City of London, passed on the 2nd day of May, 1949, as Number S-55-95 the Lessor stopped up and closed that part of Trafalgar Street in the City of London hereinafter described, and provided for the lease thereof unto the Lessee as hereinafter provided;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the rents, covenants and agreement hereinafter reserved and contained on the part of the Lessee, the Lessor DOTH demise and lease unto the Lessee, its successors and assigns, ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London, in the County of Middlesex and Province of Ontario and being composed of that part of Trafalgar Street, in the said City of London, lying between the easterly limit of Adelaide Street and a line drawn parallel to the westerly limit of Lansdowne Avenue at a point distant one hundred and nine feet, one and one-half inches westerly from the westerly limit of Lansdowne Avenue.

TO HAVE AND TO HOLD the said demised premises for and during the term of twenty years to be computed from the 2nd day of May, 1949 and thenceforth next ensuing and fully to be complete and ended.

YIELDING AND PAYING therefor yearly and every year during the said term unto the Lessor, its successors or assigns, the sum of One dollar of lawful money of Canada to be payable on the 2nd day of May in each and every year of the said term.

THE LESSEE COVENANTS that it will pay all taxes assessed against the said lands, including local improvement rates during the years June 30, 1949 to 1969 both inclusive.

THE LESSEE COVENANTS with the Lessor to pay rent and to keep up fences.

AND that it will not assign or sub-let without leave; and that the Lessor shall be entitled to withhold leave to assign or sub-let.

AND that it will leave the premises in good repair.

PROVIDED that the Lessee may remove its fixtures.

PROVISO for re-entry by the Lessor on nonpayment of rent or non-performance of covenants.

THE LESSOR covenants with the Lessee for quiet enjoyment.

PROVIDED that the Lessee will not do anything or permit anything to be done on the said premises which may be annoying to the Lessor or which the Lessor may deem to be a nuisance.

The demise of the said lands shall be subject always to the following:

- (a) The right, in perpetuity, of the Lessor and The Public Utilities Commission of the City of London to construct, use and maintain a water main or water mains, electric power line or lines, with necessary poles, guy wires and cables and/or underground cable or cables in, through, along and over that portion of the said street so stopped up and closed, with full right, liberty and privilege to the said Corporation, Lessor, and the said Commission, their agents, servants, workpeople and others, with or without vehicles and equipment to enter thereon for the purpose of repairing, maintaining and reconstructing the said water main or water mains, electric power line or lines, including poles, guy wires and cables and/or underground cable or cables.
- (b) The right, in perpetuity, of the Lessor to construct, reconstruct, use and maintain a sewer or sewers with appropriate manholes as may from time to time be determined by the Lessor to be required for the purposes of the sewerage system of the City of London, with the full right, liberty and privilege to the Lessor, its agents, servants, workpeople and others, with or without vehicles and equipment, to enter thereon for the purpose of constructing, reconstructing, using and maintaining the said sewer or sewers and manholes.
- (c) The right, in perpetuity, to The Bell Telephone Company of Canada, and its successors and assigns, to construct, use and maintain in, over and upon the said lands and premises, telephone wires or cables, with appropriate poles and guy wires, as part of its telephone system, together with the right, liberty and privilege to the said Company, its successors and assigns, and its and their agents, servants, workpeople and others, with or without vehicles, and equipment, to enter thereon for the purpose of constructing repairing, maintaining and reconstructing the said telephone wires or cables, with appropriate poles and guy wires.
- (d) The right of The London Railway Commission and The London and Port Stanley Railway and the Lessor and its assigns to use and maintain upon that portion of the said demised premises a railway spur or spurs for the purpose of serving the Lessee and any other person or corporation, and full right to build, repair, rebuild and maintain such spur or spurs and to fully use the same and to operate thereover engines, cars and trains.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their corporate seals attested by the hands of their respective officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF LONDON,

BY RAY A. DENNIS,
Mayor.
(Seal) R. H. COOPER,
Clerk.

W. R. HOLDING,
Vice-President and
Managing Director.
(Seal) R. B. TAYLOR,
Treasurer.
(General Steel Wares Limited.)

BILL
An Act respecting the City of London.

1st Reading

2nd Reading

3rd Reading

MR. PATRICK

(*Private Bill*)

No. 7

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of London.

MR. PATRICK

(Reprinted as amended by the Committee on Private Bills.)



BILL

An Act respecting the City of London.

WHEREAS the Corporation of the City of London by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the City of London is authorized and empowered to enter into agreements from time to time with Canadian National Railway Company to amend or modify the provisions of an agreement entered into between the said parties, dated the 6th day of January, 1930, and confirmed by section 4 of *The City of London Act, 1930*. Agreements with C.N.R. authorized. 1930, c. 86.

2. The agreement between the Corporation of the City of London and Canadian National Railway Company, dated the 3rd day of October, 1947, and set out as Schedule A hereto, is hereby ratified and confirmed, and the parties thereto are hereby empowered to carry out the terms thereof. Agreement with C.N.R. ratified.

3. The agreement between the Corporation of the City of London and Western Fair Association, dated the 8th day of February, 1950, and set out as Schedule B hereto, is hereby ratified and confirmed and the said parties are hereby empowered to carry out the terms thereof. Agreement with Western Fair Assn. ratified.

4. The stopping up and closing of that part of Trafalgar Street in the City of London, lying between the easterly limit of Adelaide Street and a line drawn parallel to the westerly limit of Lansdowne Avenue, at a point distant one hundred and nine feet, one and one-half inches westerly from the westerly limit of Lansdowne Avenue, pursuant to by-law of the Corporation of the City of London, passed on the 2nd day of May, 1949, as Number S-55-95, and the lease thereof for the period of twenty years from the 2nd day of May, Street closing and lease ratified.

1949, to General Steel Wares Limited, set out as Schedule C hereto, is ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Powers, etc.,
of Public
Utilities
Commis-
sion.

1873, c. 102,
1914, c. 74.

Rev. Stat.,
c. 286.

5. The Public Utilities Commission of the City of London, incorporated by *An Act for the construction of Water-Works for the City of London*, being chapter 102 of the Statutes of Ontario, 1873, and section 7 of *The City of London Act, 1914*, is declared to have, and to have had, the powers, rights and privileges conferred upon municipal corporations and public utilities commissions established under *The Public Utilities Act*, and expressly the power to supply water and to lay mains and pipes along, through and over highways and private lands outside the corporate limits of the Corporation of the City of London, subject to the provisions of the said Act.

Agreements
re sewage
authorized.

6. The Corporation of the City of London is authorized and empowered and declared to have had the authority and power to enter into agreements with owners of lands in municipalities adjacent to the City of London undertaking to receive and treat sewage upon terms and conditions mutually agreed upon, subject to the approval of the council of the municipality through which the proposed sewer shall be constructed.

Purchase of
L. & P. S.
Railway.

7. The Corporation of the City of London is hereby authorized and empowered, in addition to all other powers now vested in it, to acquire, operate and dispose of the undertaking and assets of The London & Port Stanley Railway Company, or any part thereof, and such authority and powers may be, by by-law, delegated to The London Railway Commission.

Powers
outside City
for purposes
of L. & P. S.
Railway.

8. The Corporation of the City of London is hereby authorized and empowered and declared to have had the authority and power to acquire, use, hold and dispose of lands, premises, buildings and equipment throughout the County of Middlesex and the County of Elgin for the purposes of or in any way used in connection with the operation of The London & Port Stanley Railway or the advancement of the business thereof.

Submission
of by-laws
to electors
authorized.

Rev. Stat.,
c. 266.

9.—(1) Notwithstanding any of the provisions of *The Municipal Act*, the council of the Corporation of the City of London is hereby authorized and empowered to submit for the approval of the electors of the City of London entitled to vote on money by-laws, at any time during the years 1950, 1951 or 1952, any or all of the following:

- (a) a by-law for the purchase of the undertaking and assets of The London Street Railway Company or any part thereof or the shares of the said Company;
- (b) a by-law for the granting of a franchise to any person or corporation to operate a transportation system in the City of London;
- (c) a by-law for the establishment, by purchase or otherwise, of a municipally-operated transportation system in the City of London, or in the City of London and in the Townships of Westminster and London;
- (d) a by-law for the reconstruction of the Canadian Pacific Railway Company's overhead bridge at Oxford Street in the City of London, in conjunction with the proposed new bridge over the River Thames at the said location;
- (e) by-laws for the borrowing of such money as may be required for any of the purposes hereinbefore referred to, and the issuing of debentures therefor.

(2) The votes on the said by-law or by-laws shall be taken ^{Manner of taking votes.} in the manner required by and subject to all the provisions of *The Municipal Act* with respect to voting upon by-laws requiring the assent of the electors, other than those provisions as to the time of taking such vote.

(3) Upon such vote or votes being so taken, they shall have ^{Effect of votes.} the same force and effect as if taken at the time and in the manner provided by *The Municipal Act*.

10.—(1) Section 2 of *The City of London Act, 1949* is ^{1949, c. 130, s. 2, amended.} amended by adding after the word "thereof" in the fourth line the words "or the shares of the said Company".

(2) Section 4 of *The City of London Act, 1949* is ^{1949, c. 130, s. 4, amended.} amended by striking out the words "property rights" in the seventh line and inserting in lieu thereof the words "real and personal property, rights".

11. This Act shall come into force on the day it receives ^{Commencement of Act.} the Royal Assent.

12. This Act may be cited as *The City of London Act, 1950*. ^{Short title.}

SCHEDULE A

THIS AGREEMENT made (in duplicate) this Third day of October, A.D. 1947.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON,
OF THE FIRST PART,
—and—
CANADIAN NATIONAL RAILWAY COMPANY,
OF THE SECOND PART.

WHEREAS by Agreement bearing date the Sixth day of January, A.D. 1930, and which is set forth in Schedule "B" to an Act respecting the City of London being Statutes of Ontario, 1930, Chapter 86, the parties hereto entered into certain covenants and agreements as appears by paragraph 20 of the said agreement concerning the Teamway on York Street;

AND WHEREAS the parties hereto have agreed to rescind and cancel the said paragraph of the said agreement and the provisions contained therein upon the terms and conditions hereinafter set forth;

THEREFORE it is agreed by the parties hereto as follows:

1. Paragraph 20 of the said agreement which refers to "Teamway on York Street" is hereby rescinded and cancelled, and is declared to be of no further force or effect.

2. The party of the First Part will, upon this agreement becoming effective, and upon receiving the request, in writing, of the party of the Second Part, remove the sidewalk, boulevard, curb and gutter now constructed upon the southerly portion of York Street between the westerly limit of Waterloo and the easterly limit of Wellington Street, and replace the same with paving to comprise an addition on the south to the present travelled way.

3. The party of the First Part undertakes and agrees that it will not at any time thereafter build, construct, or cause, or permit to be built or constructed, a sidewalk on that part of York Street lying south of the present travelled way and between the westerly limit of Waterloo Street and the easterly limit of Wellington Street.

4. This agreement shall not come into force or take effect unless and until validated by an Act of the Legislature of the Province of Ontario, but upon such validation shall come into force and take effect upon the date that such validating Act shall come into force and take effect, provided always, that nothing herein contained shall be construed as requiring the party of the First Part to apply for special Legislation solely for this purpose.

IN WITNESS WHEREOF the parties hereto have caused to be affixed their Corporate seals, attested by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF LONDON,

By:

(Seal) G. A. WENIGE, *Mayor.*
R. H. COOPER, *Clerk.*

CANADIAN NATIONAL RAILWAY COMPANY.

(Seal) N. B. WALTON, *Executive Vice-President.*
W. H. HOBBS, *Secretary.*

SCHEDULE B

THIS AGREEMENT made this Eighth day of February in the year of our Lord one thousand nine hundred and fifty.

BETWEEN:

~~THE~~ CORPORATION OF THE CITY OF LONDON
(hereinafter called the Corporation),

OF THE FIRST PART

—and—

WESTERN FAIR ASSOCIATION
(hereinafter called the Association),

OF THE SECOND PART.

WHEREAS the Corporation proposes to construct an Arena, Coliseum and Community Centre and the Association has agreed to permit the construction thereof wholly or partly upon the lands of the Association upon the terms and conditions hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the parties hereto covenant and agree each with the other as follows, that is to say:

1. The Association shall forthwith by ninety-nine year lease (in form satisfactory to the solicitor for the Corporation, including rights on expiry) or by outright grant, transfer unto the Corporation:

- (a) Such lands and premises located in the Fair Grounds of the Association as in the opinion of the Corporation shall be properly required for the purposes of the construction of the said Arena, Coliseum and Community Centre in a location immediately east of and adjoining the stock barn recently completed by the Association;
- (b) The right, liberty and privilege, in perpetuity, or for the term of the lease, of building into and utilizing the easterly wall of the said stock barn and incorporating it into the proposed Arena, Coliseum and Community Centre, with the right of making doorways and entrances from the said Arena, Coliseum and Community Centre into the said stock barn;
- (c) The right, either in perpetuity or for the term of the lease, unto the Corporation, its successors and assigns, its and their agents, servants, workpeople, contractors and others and those persons who may have occasion to use the said Arena, Coliseum and Community Centre with or without vehicles, machinery and equipment, to enter upon and cross the lands and premises of the Association, using them as a way to and from the highways of the Corporation and the said Arena, Coliseum and Community Centre;
- (d) The right, in perpetuity, or during the term of the said lease, to enter upon the lands and premises of the Association and to construct, maintain, use, repair and reconstruct water mains, power lines (either suspended upon poles or carried by underground cables) and sewers and drains for all purposes in connection with the said Arena, Coliseum and Community Centre;
- (e) The right either in perpetuity or during the term of the said lease, unto the Corporation, its successors and assigns to utilize, without charge, such portions of the lands and premises of the Association, as may be mutually agreed upon by the Corporation and the Association, for the purpose of parking thereon of motor vehicles of persons using the said Arena, Coliseum and Community Centre.

2. The Corporation will provide for the purposes of the said construction the sum of \$1,000,000, if the ratepayers of the Corporation shall approve. Upon such approval being given the Corporation will call for tenders for the construction of the said Arena, Coliseum and Community Centre as expeditiously as technical and legal details can be arranged and will let the necessary contracts therefor and solely supervise and control such construction.

3. Upon the said Arena, Coliseum and Community Centre being completed the management and control thereof shall be solely in the hands of a Commission to be appointed by the Council of the Corporation as its agent and the operating profit therefrom shall be the property of the Corporation.

4. The said Arena, Coliseum and Community Centre shall be made available to the Association for the purpose of holding an annual Western Fair for a period of not less than six days during which time the public will be admitted thereto, and for such further period as may be necessarily required for the preparation therefor and the dismantling and removal of exhibits, goods and chattels thereafter. The said Arena, Coliseum and Community Centre shall also be available to the Association for the purposes of an annual Winter Fair for a period not exceeding six days, during which time the public will be admitted thereto, and for such further period as may be necessarily required for the preparation therefor and the dismantling and removal of exhibits, goods and chattels thereafter. The said Arena, Coliseum and Community Centre shall also be made available to the Association for such other agricultural purposes and displays for such times and for such purposes as to the Corporation, in its discretion, may appear proper. The occupation of the said premises by the Association shall be subject to such terms and conditions as to occupation and rental as may be mutually agreed upon and to the provision that the Association shall leave the said premises after use by it thoroughly cleaned and in good condition and repair. The Association agrees that it will repair and restore to their former condition the said premises in respect of any damage or destruction occurring during its occupancy.

The said stock barn of the Association shall be made available to the Corporation for use in conjunction with the said Arena, Coliseum and Community Centre, at such times and for such purposes as the Corporation may reasonably require and such occupation shall be subject to such terms, conditions and rental as may be mutually agreed upon, and to the provision that the Corporation shall leave the said premises after use by it thoroughly cleaned and in good condition and repair. The Corporation agrees that it will repair and restore to their former condition the said premises in respect of any damage or destruction occurring during its occupancy.

5. Nothing herein contained shall prejudice or affect the rights of the parties hereto as to their respective ownerships of lands or buildings, and nothing contained herein shall be deemed to be an admission or agreement on the part of either party which may affect the respective ownerships of any land or building.

6. This agreement shall be effective, upon the ratepayers of the Corporation approving the said expenditure and upon the Legislature of Ontario passing an Act empowering the parties to enter into this agreement and validating the same.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

WESTERN FAIR ASSOCIATION.

In the presence of:

DORIS KEW.

(Seal) J. B. HAY, *President.*
W. D. JACKSON, *Manager.*

THE CORPORATION OF THE CITY OF
LONDON,

By:
(Seal) G. A. WENIGE, *Mayor.*
R. H. COOPER, *Clerk.*

SCHEDULE C

THIS INDENTURE made (in duplicate) this thirtieth day of June in the year of our Lord one thousand nine hundred and forty-nine.

IN PURSUANCE OF THE SHORT FORMS OF LEASES ACT.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the Lessor),

OF THE FIRST PART,

—and—

GENERAL STEEL WARES LIMITED,
(hereinafter called the Lessee),

OF THE SECOND PART.

WHEREAS by by-law of The Corporation of the City of London, passed on the 2nd day of May, 1949, as Number S-55-95 the Lessor stopped up and closed that part of Trafalgar Street in the City of London hereinafter described, and provided for the lease thereof unto the Lessee as hereinafter provided;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the rents, covenants and agreement hereinafter reserved and contained on the part of the Lessee, the Lessor DOTH demise and lease unto the Lessee, its successors and assigns, ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London, in the County of Middlesex and Province of Ontario and being composed of that part of Trafalgar Street, in the said City of London, lying between the easterly limit of Adelaide Street and a line drawn parallel to the westerly limit of Lansdowne Avenue at a point distant one hundred and nine feet, one and one-half inches westerly from the westerly limit of Lansdowne Avenue.

TO HAVE AND TO HOLD the said demised premises for and during the term of twenty years to be computed from the 2nd day of May, 1949 and thenceforth next ensuing and fully to be complete and ended.

YIELDING AND PAYING therefor yearly and every year during the said term unto the Lessor, its successors or assigns, the sum of One dollar of lawful money of Canada to be payable on the 2nd day of May in each and every year of the said term.

THE LESSEE COVENANTS that it will pay all taxes assessed against the said lands, including local improvement rates during the years June 30, 1949 to 1969 both inclusive.

THE LESSEE COVENANTS with the Lessor to pay rent and to keep up fences.

AND that it will not assign or sub-let without leave; and that the Lessor shall be entitled to withhold leave to assign or sub-let.

AND that it will leave the premises in good repair.

PROVIDED that the Lessee may remove its fixtures.

PROVISO for re-entry by the Lessor on nonpayment of rent or non-performance of covenants.

THE LESSOR covenants with the Lessee for quiet enjoyment.

PROVIDED that the Lessee will not do anything or permit anything to be done on the said premises which may be annoying to the Lessor or which the Lessor may deem to be a nuisance.

The demise of the said lands shall be subject always to the following:

- (a) The right, in perpetuity, of the Lessor and The Public Utilities Commission of the City of London to construct, use and maintain a water main or water mains, electric power line or lines, with necessary poles, guy wires and cables and/or underground cable or cables in, through, along and over that portion of the said street so stopped up and closed, with full right, liberty and privilege to the said Corporation, Lessor, and the said Commission, their agents, servants, workpeople and others, with or without vehicles and equipment to enter thereon for the purpose of repairing, maintaining and reconstructing the said water main or water mains, electric power line or lines, including poles, guy wires and cables and/or underground cable or cables.
- (b) The right, in perpetuity, of the Lessor to construct, reconstruct, use and maintain a sewer or sewers with appropriate manholes as may from time to time be determined by the Lessor to be required for the purposes of the sewerage system of the City of London, with the full right, liberty and privilege to the Lessor, its agents, servants, workpeople and others, with or without vehicles and equipment, to enter thereon for the purpose of constructing, reconstructing, using and maintaining the said sewer or sewers and manholes.
- (c) The right, in perpetuity, to The Bell Telephone Company of Canada, and its successors and assigns, to construct, use and maintain in, over and upon the said lands and premises, telephone wires or cables, with appropriate poles and guy wires, as part of its telephone system, together with the right, liberty and privilege to the said Company, its successors and assigns, and its and their agents, servants, workpeople and others, with or without vehicles, and equipment, to enter thereon for the purpose of constructing, repairing, maintaining and reconstructing the said telephone wires or cables, with appropriate poles and guy wires.
- (d) The right of The London Railway Commission and The London and Port Stanley Railway and the Lessor and its assigns to use and maintain upon that portion of the said demised premises a railway spur or spurs for the purpose of serving the Lessee and any other person or corporation, and full right to build, repair, rebuild and maintain such spur or spurs and to fully use the same and to operate thereover engines, cars and trains.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their corporate seals attested by the hands of their respective officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF
LONDON,

BY RAY A. DENNIS,
Mayor.

(Seal) R. H. COOPER,
Clerk.

W. R. HOLDING,
*Vice-President and
Managing Director.*

(Seal) R. B. TAYLOR,
Treasurer.
(General Steel Wares Limited.)

BILL

An Act respecting the City of London.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. PATRICK

*(Reprinted as amended by the Committee on
Private Bills.)*

No. 7

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of London.

MR. PATRICK

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 7

1950

BILL

An Act respecting the City of London.

WHEREAS the Corporation of the City of London by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the City of London is authorized and empowered to enter into agreements from time to time with Canadian National Railway Company to amend or modify the provisions of an agreement entered into between the said parties, dated the 6th day of January, 1930, and confirmed by section 4 of *The City of London Act, 1930*. Agreements with C.N.R. authorized. 1930, c. 86.

2. The agreement between the Corporation of the City of London and Canadian National Railway Company, dated the 3rd day of October, 1947, and set out as Schedule A hereto, is hereby ratified and confirmed, and the parties thereto are hereby empowered to carry out the terms thereof. Agreement with C.N.R. ratified.

3. The agreement between the Corporation of the City of London and Western Fair Association, dated the 8th day of February, 1950, and set out as Schedule B hereto, is hereby ratified and confirmed and the said parties are hereby empowered to carry out the terms thereof. Agreement with Western Fair Assn. ratified.

4. The stopping up and closing of that part of Trafalgar Street in the City of London, lying between the easterly limit of Adelaide Street and a line drawn parallel to the westerly limit of Lansdowne Avenue, at a point distant one hundred and nine feet, one and one-half inches westerly from the westerly limit of Lansdowne Avenue, pursuant to by-law of the Corporation of the City of London, passed on the 2nd day of May, 1949, as Number S-55-95, and the lease thereof for the period of twenty years from the 2nd day of May, Street closing and lease ratified.

1949, to General Steel Wares Limited, set out as Schedule C hereto, is ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Powers, etc.,
of Public
Utilities
Commis-
sion.

1873, c. 102,
1914, c. 74.

Rev. Stat.,
c. 286.

5. The Public Utilities Commission of the City of London, incorporated by *An Act for the construction of Water-Works for the City of London*, being chapter 102 of the Statutes of Ontario, 1873, and section 7 of *The City of London Act, 1914*, is declared to have, and to have had, the powers, rights and privileges conferred upon municipal corporations and public utilities commissions established under *The Public Utilities Act*, and expressly the power to supply water and to lay mains and pipes along, through and over highways and private lands outside the corporate limits of the Corporation of the City of London, subject to the provisions of the said Act.

Agreements
re sewage
authorized.

6. The Corporation of the City of London is authorized and empowered and declared to have had the authority and power to enter into agreements with owners of lands in municipalities adjacent to the City of London undertaking to receive and treat sewage upon terms and conditions mutually agreed upon, subject to the approval of the council of the municipality through which the proposed sewer shall be constructed.

Purchase of
L. & P. S.
Railway.

7. The Corporation of the City of London is hereby authorized and empowered, in addition to all other powers now vested in it, to acquire, operate and dispose of the undertaking and assets of The London & Port Stanley Railway Company, or any part thereof, and such authority and powers may be, by by-law, delegated to The London Railway Commission.

Powers
outside City
for purposes
of L. & P. S.
Railway.

8. The Corporation of the City of London is hereby authorized and empowered and declared to have had the authority and power to acquire, use, hold and dispose of lands, premises, buildings and equipment throughout the County of Middlesex and the County of Elgin for the purposes of or in any way used in connection with the operation of The London & Port Stanley Railway or the advancement of the business thereof.

Submission
of by-laws
to electors
authorized.

Rev. Stat.,
c. 266.

9.—(1) Notwithstanding any of the provisions of *The Municipal Act*, the council of the Corporation of the City of London is hereby authorized and empowered to submit for the approval of the electors of the City of London entitled to vote on money by-laws, at any time during the years 1950, 1951 or 1952, any or all of the following:

- (a) a by-law for the purchase of the undertaking and assets of The London Street Railway Company or any part thereof or the shares of the said Company;
- (b) a by-law for the granting of a franchise to any person or corporation to operate a transportation system in the City of London;
- (c) a by-law for the establishment, by purchase or otherwise, of a municipally-operated transportation system in the City of London, or in the City of London and in the Townships of Westminster and London;
- (d) a by-law for the reconstruction of the Canadian Pacific Railway Company's overhead bridge at Oxford Street in the City of London, in conjunction with the proposed new bridge over the River Thames at the said location;
- (e) by-laws for the borrowing of such money as may be required for any of the purposes hereinbefore referred to, and the issuing of debentures therefor.

(2) The votes on the said by-law or by-laws shall be taken in the manner required by and subject to all the provisions of *The Municipal Act* with respect to voting upon by-laws requiring the assent of the electors, other than those provisions as to the time of taking such vote. Manner of taking votes.

(3) Upon such vote or votes being so taken, they shall have the same force and effect as if taken at the time and in the manner provided by *The Municipal Act*. Effect of votes.

10.—(1) Section 2 of *The City of London Act, 1949* is amended by adding after the word "thereof" in the fourth line the words "or the shares of the said Company". 1949, c. 130, s. 2, amended.

(2) Section 4 of *The City of London Act, 1949* is amended by striking out the words "property rights" in the seventh line and inserting in lieu thereof the words "real and personal property, rights". 1949, c. 130, s. 4, amended.

11. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

12. This Act may be cited as *The City of London Act, 1950*. Short title.

SCHEDULE A

THIS AGREEMENT made (in duplicate) this Third day of October, A.D. 1947.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON,
OF THE FIRST PART,
—and—

CANADIAN NATIONAL RAILWAY COMPANY,
OF THE SECOND PART.

WHEREAS by Agreement bearing date the Sixth day of January, A.D. 1930, and which is set forth in Schedule "B" to an Act respecting the City of London being Statutes of Ontario, 1930, Chapter 86, the parties hereto entered into certain covenants and agreements as appears by paragraph 20 of the said agreement concerning the Teamway on York Street;

AND WHEREAS the parties hereto have agreed to rescind and cancel the said paragraph of the said agreement and the provisions contained therein upon the terms and conditions hereinafter set forth;

THEREFORE it is agreed by the parties hereto as follows:

1. Paragraph 20 of the said agreement which refers to "Teamway on York Street" is hereby rescinded and cancelled, and is declared to be of no further force or effect.

2. The party of the First Part will, upon this agreement becoming effective, and upon receiving the request, in writing, of the party of the Second Part, remove the sidewalk, boulevard, curb and gutter now constructed upon the southerly portion of York Street between the westerly limit of Waterloo and the easterly limit of Wellington Street, and replace the same with paving to comprise an addition on the south to the present travelled way.

3. The party of the First Part undertakes and agrees that it will not at any time thereafter build, construct, or cause, or permit to be built or constructed, a sidewalk on that part of York Street lying south of the present travelled way and between the westerly limit of Waterloo Street and the easterly limit of Wellington Street.

4. This agreement shall not come into force or take effect unless and until validated by an Act of the Legislature of the Province of Ontario, but upon such validation shall come into force and take effect upon the date that such validating Act shall come into force and take effect, provided always, that nothing herein contained shall be construed as requiring the party of the First Part to apply for special Legislation solely for this purpose.

IN WITNESS WHEREOF the parties hereto have caused to be affixed their Corporate seals, attested by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF LONDON,

By:

(Seal) G. A. WENIGE, *Mayor.*
R. H. COOPER, *Clerk.*

CANADIAN NATIONAL RAILWAY COMPANY.

(Seal) N. B. WALTON, *Executive Vice-President.*
W. H. HOBBS, *Secretary.*

SCHEDULE B

THIS AGREEMENT made this Eighth day of February in the year of our Lord one thousand nine hundred and fifty.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the Corporation),

OF THE FIRST PART

—and—

WESTERN FAIR ASSOCIATION
(hereinafter called the Association),

OF THE SECOND PART.

WHEREAS the Corporation proposes to construct an Arena, Coliseum and Community Centre and the Association has agreed to permit the construction thereof wholly or partly upon the lands of the Association upon the terms and conditions hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the parties hereto covenant and agree each with the other as follows, that is to say:

1. The Association shall forthwith by ninety-nine year lease (in form satisfactory to the solicitor for the Corporation, including rights on expiry) or by outright grant, transfer unto the Corporation:
 - (a) Such lands and premises located in the Fair Grounds of the Association as in the opinion of the Corporation shall be properly required for the purposes of the construction of the said Arena, Coliseum and Community Centre in a location immediately east of and adjoining the stock barn recently completed by the Association;
 - (b) The right, liberty and privilege, in perpetuity, or for the term of the lease, of building into and utilizing the easterly wall of the said stock barn and incorporating it into the proposed Arena, Coliseum and Community Centre, with the right of making doorways and entrances from the said Arena, Coliseum and Community Centre into the said stock barn;
 - (c) The right, either in perpetuity or for the term of the lease, unto the Corporation, its successors and assigns, its and their agents, servants, workpeople, contractors and others and those persons who may have occasion to use the said Arena, Coliseum and Community Centre with or without vehicles, machinery and equipment, to enter upon and cross the lands and premises of the Association, using them as a way to and from the highways of the Corporation and the said Arena, Coliseum and Community Centre;
 - (d) The right, in perpetuity, or during the term of the said lease, to enter upon the lands and premises of the Association and to construct, maintain, use, repair and reconstruct water mains, power lines (either suspended upon poles or carried by underground cables) and sewers and drains for all purposes in connection with the said Arena, Coliseum and Community Centre;
 - (e) The right either in perpetuity or during the term of the said lease, unto the Corporation, its successors and assigns to utilize, without charge, such portions of the lands and premises of the Association, as may be mutually agreed upon by the Corporation and the Association, for the purpose of parking thereon of motor vehicles of persons using the said Arena, Coliseum and Community Centre.

2. The Corporation will provide for the purposes of the said construction the sum of \$1,000,000, if the ratepayers of the Corporation shall approve. Upon such approval being given the Corporation will call for tenders for the construction of the said Arena, Coliseum and Community Centre as expeditiously as technical and legal details can be arranged and will let the necessary contracts therefor and solely supervise and control such construction.

3. Upon the said Arena, Coliseum and Community Centre being completed the management and control thereof shall be solely in the hands of a Commission to be appointed by the Council of the Corporation as its agent and the operating profit therefrom shall be the property of the Corporation.

4. The said Arena, Coliseum and Community Centre shall be made available to the Association for the purpose of holding an annual Western Fair for a period of not less than six days during which time the public will be admitted thereto, and for such further period as may be necessarily required for the preparation therefor and the dismantling and removal of exhibits, goods and chattels thereafter. The said Arena, Coliseum and Community Centre shall also be available to the Association for the purposes of an annual Winter Fair for a period not exceeding six days, during which time the public will be admitted thereto, and for such further period as may be necessarily required for the preparation therefor and the dismantling and removal of exhibits, goods and chattels thereafter. The said Arena, Coliseum and Community Centre shall also be made available to the Association for such other agricultural purposes and displays for such times and for such purposes as to the Corporation, in its discretion, may appear proper. The occupation of the said premises by the Association shall be subject to such terms and conditions as to occupation and rental as may be mutually agreed upon and to the provision that the Association shall leave the said premises after use by it thoroughly cleaned and in good condition and repair. The Association agrees that it will repair and restore to their former condition the said premises in respect of any damage or destruction occurring during its occupancy.

The said stock barn of the Association shall be made available to the Corporation for use in conjunction with the said Arena, Coliseum and Community Centre, at such times and for such purposes as the Corporation may reasonably require and such occupation shall be subject to such terms, conditions and rental as may be mutually agreed upon, and to the provision that the Corporation shall leave the said premises after use by it thoroughly cleaned and in good condition and repair. The Corporation agrees that it will repair and restore to their former condition the said premises in respect of any damage or destruction occurring during its occupancy.

5. Nothing herein contained shall prejudice or affect the rights of the parties hereto as to their respective ownerships of lands or buildings, and nothing contained herein shall be deemed to be an admission or agreement on the part of either party which may affect the respective ownerships of any land or building.

6. This agreement shall be effective, upon the ratepayers of the Corporation approving the said expenditure and upon the Legislature of Ontario passing an Act empowering the parties to enter into this agreement and validating the same.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

WESTERN FAIR ASSOCIATION.

In the presence of:

DORIS KEW.

(Seal) J. B. HAY, *President.*
W. D. JACKSON, *Manager.*

THE CORPORATION OF THE CITY OF LONDON,

By:
(Seal) G. A. WENIGE, *Mayor.*
R. H. COOPER, *Clerk.*

SCHEDULE C

THIS INDENTURE made (in duplicate) this thirtieth day of June in the year of our Lord one thousand nine hundred and forty-nine.

IN PURSUANCE OF THE SHORT FORMS OF LEASES ACT.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the Lessor),

OF THE FIRST PART,

—and—

GENERAL STEEL WARES LIMITED,
(hereinafter called the Lessee),

OF THE SECOND PART.

WHEREAS by by-law of The Corporation of the City of London, passed on the 2nd day of May, 1949, as Number S-55-95 the Lessor stopped up and closed that part of Trafalgar Street in the City of London hereinafter described, and provided for the lease thereof unto the Lessee as hereinafter provided;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the rents, covenants and agreement hereinafter reserved and contained on the part of the Lessee, the Lessor DOth demise and lease unto the Lessee, its successors and assigns, ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London, in the County of Middlesex and Province of Ontario and being composed of that part of Trafalgar Street, in the said City of London, lying between the easterly limit of Adelaide Street and a line drawn parallel to the westerly limit of Lansdowne Avenue at a point distant one hundred and nine feet, one and one-half inches westerly from the westerly limit of Lansdowne Avenue.

TO HAVE AND TO HOLD the said demised premises for and during the term of twenty years to be computed from the 2nd day of May, 1949 and thenceforth next ensuing and fully to be complete and ended.

YIELDING AND PAYING therefor yearly and every year during the said term unto the Lessor, its successors or assigns, the sum of One dollar of lawful money of Canada to be payable on the 2nd day of May in each and every year of the said term.

THE LESSEE COVENANTS that it will pay all taxes assessed against the said lands, including local improvement rates during the years June 30, 1949 to 1969 both inclusive.

THE LESSEE COVENANTS with the Lessor to pay rent and to keep up fences.

AND that it will not assign or sub-let without leave; and that the Lessor shall be entitled to withhold leave to assign or sub-let.

AND that it will leave the premises in good repair.

PROVIDED that the Lessee may remove its fixtures.

PROVISO for re-entry by the Lessor on nonpayment of rent or non-performance of covenants.

THE LESSOR covenants with the Lessee for quiet enjoyment.

PROVIDED that the Lessee will not do anything or permit anything to be done on the said premises which may be annoying to the Lessor or which the Lessor may deem to be a nuisance.

The demise of the said lands shall be subject always to the following:

- (a) The right, in perpetuity, of the Lessor and The Public Utilities Commission of the City of London to construct, use and maintain a water main or water mains, electric power line or lines, with necessary poles, guy wires and cables and/or underground cable or cables in, through, along and over that portion of the said street so stopped up and closed, with full right, liberty and privilege to the said Corporation, Lessor, and the said Commission, their agents, servants, workpeople and others, with or without vehicles and equipment to enter thereon for the purpose of repairing, maintaining and reconstructing the said water main or water mains, electric power line or lines, including poles, guy wires and cables and/or underground cable or cables.
- (b) The right, in perpetuity, of the Lessor to construct, reconstruct, use and maintain a sewer or sewers with appropriate manholes as may from time to time be determined by the Lessor to be required for the purposes of the sewerage system of the City of London, with the full right, liberty and privilege to the Lessor, its agents, servants, workpeople and others, with or without vehicles and equipment, to enter thereon for the purpose of constructing, reconstructing, using and maintaining the said sewer or sewers and manholes.
- (c) The right, in perpetuity, to The Bell Telephone Company of Canada, and its successors and assigns, to construct, use and maintain in, over and upon the said lands and premises, telephone wires or cables, with appropriate poles and guy wires, as part of its telephone system, together with the right, liberty and privilege to the said Company, its successors and assigns, and its and their agents, servants, workpeople and others, with or without vehicles, and equipment, to enter thereon for the purpose of constructing repairing, maintaining and reconstructing the said telephone wires or cables, with appropriate poles and guy wires.
- (d) The right of The London Railway Commission and The London and Port Stanley Railway and the Lessor and its assigns to use and maintain upon that portion of the said demised premises a railway spur or spurs for the purpose of serving the Lessee and any other person or corporation, and full right to build, repair, rebuild and maintain such spur or spurs and to fully use the same and to operate thereover engines, cars and trains.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their corporate seals attested by the hands of their respective officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF
LONDON,

BY RAY A. DENNIS,
Mayor.

(Seal) R. H. COOPER,
Clerk.

W. R. HOLDING,
*Vice-President and
Managing Director.*

(Seal) R. B. TAYLOR,
Treasurer.
(General Steel Wares Limited.)

BILL

An Act respecting the City of London.

1st Reading

March 8th, 1950

2nd Reading

March 22nd, 1950

3rd Reading

March 24th, 1950

MR. PATRICK

No. 8

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to incorporate The Congregation of the Priests of the
Sacred Heart.

MR. CALDER

(PRIVATE BILL)



BILL

An Act to incorporate The Congregation of the Priests of the Sacred Heart.

WHEREAS Reverend Father John A. M. van Buuren, Preamble.
Reverend Father Alphonse I. M. van der Vorst, and
Reverend Father Joseph J. Coppens, Priests in the Township
of Delaware and in the County of Middlesex, in the Province
of Ontario, by their petition have represented that there exists
in Ontario a religious order or congregation of the Roman
Catholic Church under the name of the "Priests of the Sacred
Heart" the members of which carry on all types of priestly
activity, home and foreign missions, the giving of missions and
retreats, parish work, the education of youth especially among
the poorer classes and those striving for priesthood; and where-
as the order of Congregation, through the officers and members
undermentioned, by its petition has represented that incor-
poration in Ontario would enable it to obtain its objects more
effectively, and has prayed that it may be incorporated under
the name of "The Congregation of the Priests of the Sacred
Heart"; and whereas it is expedient to grant the prayer of the
petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Reverend Father John A. M. van Buuren, Reverend Incorporation.
Father Alphonse I. M. van der Vorst, and Reverend Father
Joseph J. Coppens, members of the said religious congregation
and such other persons as are now members thereof or here-
after become members of the body corporate hereby created
are hereby constituted and declared a body corporate and
politic under the name of The Congregation of the Priests of
the Sacred Heart.

2. The three persons named in section 1 shall be the Provisional directors.
provisional directors of the corporation, and shall hold office
until their successors in office have been chosen according to
the by-laws of the corporation.

By-laws.

3.—(1) The directors may, for and on behalf of the corporation, from time to time make by-laws not contrary to law for,

- (a) the administration, management and control of the property, undertakings, business and other temporal affairs of the corporation;
- (b) the appointment, term of office, functions, duties and remuneration of all members, officers, agents and servants of the corporation and their successors;
- (c) the admission of members to and their dismissal from the corporation;
- (d) generally for the carrying out of the objects and purposes of the corporation.

Approval of by-laws.

(2) The said by-laws of the corporation shall be confirmed by a majority of the members present at a meeting called for that purpose.

Power to acquire and dispose of real estate.

4. The corporation may acquire and hold any real property or any estate or interest therein either by purchase, lease, gift, devise or bequest either absolutely or in trust, and may sell, transfer, exchange, mortgage, hypothecate, lease or otherwise dispose of the same or any part thereof and apply the proceeds of any such property for its purposes; provided that no land at any time acquired by the corporation and not required for its actual use and purposes or by way of security for the payment of any loan, debt or guarantee shall be held by it or by any trustee on its behalf for a longer period than seven years after it shall cease to be so required, but this proviso shall not be deemed in any wise to vary or otherwise affect any trust relating to such property.

Execution of deeds, etc.

5. Any deed, transfer, mortgage, charge or other instrument relating to or dealing with real estate or any interest therein of the corporation shall be deemed to be and shall be duly executed and shall be sufficient for the purposes for which it is intended, if there are affixed thereto the seal of the corporation and the signatures of two directors of the corporation.

Borrowing.

6. The corporation may from time to time for its purposes,

- (a) borrow money upon the credit of the corporation;
- (b) limit or increase the amount to be borrowed;
- (c) make, draw, accept, endorse, or become party to bills of exchange or promissory notes, and any bills of

exchange or promissory notes made, drawn, accepted or endorsed by the corporation and countersigned by the proper party thereto authorized by the by-laws of the corporation shall be presumed to have been made, drawn, accepted or endorsed with the proper authority until the contrary is shown, and it shall not be necessary in any case to have the seal affixed to any such bill or note;

- (d) mortgage, hypothecate or pledge the real or personal property of the corporation, or both, to secure any money borrowed for the purposes of the corporation.

7. The corporation shall have the right to found, establish, maintain and promote, in any place it may see fit, within the limits of the Province of Ontario or elsewhere, asylums, homes, schools, high schools, academies, colleges, boarding schools, seminaries, juvenates, noviciates, scholasticates, family houses for orphan apprentices, perseverance societies, clubs, guilds (patronages), agricultural schools and art and trade schools, buildings of any kind for public and private worship and eleemosynary, educational, religious, and charitable institutions of every kind and nature; it shall have the right to print, publish, distribute and sell books, newspapers, magazines and other publications for the promotion of education, charity and religion; it shall have the right to borrow and lend money and to determine the rate of interest to be paid; it shall have the right to determine the amount of the prices, fees, and other charges to be paid for all the above-described services to be rendered by the corporation and for all the various things to be done or supplied by it; it shall moreover have the right to do all other things necessary, proper and desirable or incidental to the aforesaid purpose or the carrying on of the same. Establishment of schools, etc.

8.—(1) The head office of the corporation shall be at the Township of Delaware in the Province of Ontario. Head office.

(2) The head office may be established in another place within Ontario, in which case the corporation shall give notice of such change by filing a declaration to that effect with the Provincial Secretary. Idem.

9. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

10. This Act may be cited as *The Congregation of the Priests of the Sacred Heart Act, 1950.* Short title.



BILL

An Act to incorporate The Congregation of
the Priests of the Sacred Heart.

1st Reading

2nd Reading

3rd Reading

MR. CALDER

(PRIVATE BILL)

No. 8

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to incorporate The Congregation of the Priests of the
Sacred Heart.

MR. CALDER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to incorporate The Congregation of the Priests of the Sacred Heart.

WHEREAS Reverend Father John A. M. van Buuren, Preamble.
 Reverend Father Alphonse I. M. van der Vorst, and
 Reverend Father Joseph J. Coppens, Priests in the Township
 of Delaware and in the County of Middlesex, in the Province
 of Ontario, by their petition have represented that there exists
 in Ontario a religious order or congregation of the Roman
 Catholic Church under the name of the "Priests of the Sacred
 Heart" the members of which carry on all types of priestly
 activity, home and foreign missions, the giving of missions and
 retreats, parish work, the education of youth especially among
 the poorer classes and those striving for priesthood; and where-
 as the order of Congregation, through the officers and members
 undermentioned, by its petition has represented that incor-
 poration in Ontario would enable it to obtain its objects more
 effectively, and has prayed that it may be incorporated under
 the name of "The Congregation of the Priests of the Sacred
 Heart"; and whereas it is expedient to grant the prayer of the
 petition;

Therefore, His Majesty, by and with the advice and con-
 sent of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Reverend Father John A. M. van Buuren, Reverend ^{Incorporation.}
 Father Alphonse I. M. van der Vorst, and Reverend Father
 Joseph J. Coppens, members of the said religious congregation
 and such other persons as are now members thereof or here-
 after become members of the body corporate hereby created
 are hereby constituted and declared a body corporate and
 politic under the name of The Congregation of the Priests of
 the Sacred Heart.

2. The three persons named in section 1 shall be the ^{Provisional}
 provisional directors of the corporation, and shall hold office ^{directors.}
 until their successors in office have been chosen according to
 the by-laws of the corporation.

By-laws.

3.—(1) The directors may, for and on behalf of the corporation, from time to time make by-laws not contrary to law for,

- (a) the administration, management and control of the property, undertakings, business and other temporal affairs of the corporation;
- (b) the appointment, term of office, functions, duties and remuneration of all members, officers, agents and servants of the corporation and their successors;
- (c) the admission of members to and their dismissal from the corporation;
- (d) generally for the carrying out of the objects and purposes of the corporation.

Approval of by-laws.

(2) The said by-laws of the corporation shall be confirmed by a majority of the members present at a meeting called for that purpose.

Power to acquire and dispose of real estate.

4. The corporation may acquire and hold any real property or any estate or interest therein either by purchase, lease, gift, devise or bequest either absolutely or in trust, and may sell, transfer, exchange, mortgage, hypothecate, lease or otherwise dispose of the same or any part thereof and apply the proceeds of any such property for its purposes; provided that no land at any time acquired by the corporation and not required for its actual use and purposes or by way of security for the payment of any loan, debt or guarantee shall be held by it or by any trustee on its behalf for a longer period than seven years after it shall cease to be so required, but this proviso shall not be deemed in any wise to vary or otherwise affect any trust relating to such property.

Execution of deeds, etc.

5. Any deed, transfer, mortgage, charge or other instrument relating to or dealing with real estate or any interest therein of the corporation shall be deemed to be and shall be duly executed and shall be sufficient for the purposes for which it is intended, if there are affixed thereto the seal of the corporation and the signatures of two directors of the corporation.

Borrowing.

6. The corporation may from time to time for its purposes,

- (a) borrow money upon the credit of the corporation;
- (b) limit or increase the amount to be borrowed;
- (c) make, draw, accept, endorse, or become party to bills of exchange or promissory notes, and any bills of

exchange or promissory notes made, drawn, accepted or endorsed by the corporation and countersigned by the proper party thereto authorized by the by-laws of the corporation shall be presumed to have been made, drawn, accepted or endorsed with the proper authority until the contrary is shown, and it shall not be necessary in any case to have the seal affixed to any such bill or note;

- (d) mortgage, hypothecate or pledge the real or personal property of the corporation, or both, to secure any money borrowed for the purposes of the corporation.

7. The corporation shall have the right to found, establish, maintain and promote, in any place it may see fit, within the limits of the Province of Ontario or elsewhere, asylums, homes, schools, high schools, academies, colleges, boarding schools, seminaries, juvenates, noviciates, scholasticates, family houses for orphan apprentices, perseverance societies, clubs, guilds (patronages), agricultural schools and art and trade schools, buildings of any kind for public and private worship and eleemosynary, educational, religious, and charitable institutions of every kind and nature; it shall have the right to print, publish, distribute and sell books, newspapers, magazines and other publications for the promotion of education, charity and religion; it shall have the right to borrow and lend money and to determine the rate of interest to be paid; it shall have the right to determine the amount of the prices, fees, and other charges to be paid for all the above-described services to be rendered by the corporation and for all the various things to be done or supplied by it; it shall moreover have the right to do all other things necessary, proper and desirable or incidental to the aforesaid purpose or the carrying on of the same. ^{Establishment of schools, etc.}

8.—(1) The head office of the corporation shall be at the Township of Delaware in the Province of Ontario. ^{Head office.}

(2) The head office may be established in another place within Ontario, in which case the corporation shall give notice of such change by filing a declaration to that effect with the Provincial Secretary. ^{Idem.}

9. This Act shall come into force on the day it receives the Royal Assent. ^{Commencement of Act.}

10. This Act may be cited as *The Congregation of the Priests of the Sacred Heart Act, 1950.* ^{Short title.}



An Act to incorporate The Congregation of
the Priests of the Sacred Heart.

1st Reading

March 2nd, 1950

2nd Reading

March 29th, 1950

3rd Reading

March 31st, 1950

MR. CALDER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Central Canada Exhibition Association.

MR. MORROW

(PRIVATE BILL)



BILL

An Act respecting the Central Canada Exhibition Association.

WHEREAS the Central Canada Exhibition Association, Preamble,
 incorporated by *An Act to incorporate the Central* 1888, c. 79.
Canada Exhibition Association (hereinafter called the Act of
 Incorporation), being chapter 79 of the Statutes of Ontario,
 1888, by its petition has prayed for special legislation in
 respect of the matters hereinafter set forth; and whereas it is
 expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1. Section 4 of the Act of Incorporation, as re-enacted by 1888, c. 79,
 section 1 of chapter 125 of the Statutes of Ontario, 1919, and s. 4, (1919
 amended by section 2 of *Central Canada Exhibition Association* c. 125, s. 1).
Act, 1929 and sections 2 and 3 of *The Central Canada Exhibi-*
tion Association Act, 1933, is repealed and the following sub-
 stituted therefor:

4.—(1) The membership of the said Association shall be Membership.
 divided into two classes as follows:

(a) honorary membership;

(b) ordinary membership.

(2) Honorary membership shall consist of those persons Honorary
 who may be appointed honorary members by by-law of the membership.
 Board of Directors.

(3) Ordinary membership shall be divided into three Ordinary
 sections as follows: membership.

(a) City Council Section;

(b) Merchants, Manufacturers and General Section;

(c) Agricultural Section.

Membership,
City Council
Section.

(4) The City Council Section shall consist of the Mayor, the members of the board of control and the members of the council of the City of Ottawa.

Membership,
Merchants,
Manufacturers and
General
Section.

(5) The Merchants, Manufacturers and General Section shall have two kinds of membership as follows:

- (a) representative membership, not to exceed ninety members;
- (b) paid membership.

Representative
membership,
Merchants,
Manufacturers and
General
Section.

(6) The representative membership of the Merchants, Manufacturers and General Section shall consist of:

- (a) two members of each of the following bodies:

Allied Trades and Labour Association of Ottawa;
Board of Trade of the City of Ottawa; City of
Ottawa Public School Board; The Federal District
Commission; Collegiate Institute Board of Ottawa;
Roman Catholic Separate School Board of Ottawa;

- (b) one member of each of the following bodies:

The Automotive Trades Association of Ottawa;
Canadian Club of Ottawa; Ottawa Council No. 643,
United Commercial Travellers' Association of
America; Rotary Club of Ottawa; Gyro Club of
Ottawa; Richelieu Club; Kinsmen Club of Ottawa;
Kiwans Club of Ottawa; Lions Club of Ottawa;
Retail Grocers Association (Ottawa Branch); Cana-
dian Legion, Branch 16, of Ottawa; Canadian Legion,
Montgomery Branch No. 351, of Ottawa; Canadian
Lumbermen's Association; Canadian Press Associa-
tion (Ottawa Branch); Civil Service Association of
Canada; Eastern Ontario Weekly Press Association;
The Journal Publishing Company of Ottawa; The
Citizen Publishing Company of Ottawa; Syndicat
D'Oeuvres Sociales Lte. (Le Droit); Local Council
of Women; Business and Professional Women's
Association; Zonta Club; Ottawa Retail Lumber
Dealers' Association; Junior Board of Trade; Boy
Scout Association; The Ottawa Property Owners
Association; Optimist Club; La Chambre de Com-
merce de Ottawa; Food Distributor Association of
Canada; Canadian Manufacturers' Association; Com-
mercial Travellers Association of Canada; The Quota
Club of Ottawa; The Soroptomist Club of Ottawa;

- (c) all past presidents of the Association who are not members of the Agricultural Section.

(7) The membership under clauses *a* and *b* of subsection 6 shall be subject to such changes or additions as may from time to time be decided upon by a majority vote of all the Directors, provided, however, that the total representative membership of the Merchants, Manufacturers and General Section shall not at any time exceed ninety.

Changes and additions to representative membership.

(8) The paid membership of the Merchants, Manufacturers and General Section shall consist of such persons other than representative members of this Section who, being residents of the City of Ottawa, or whose place of business is situated therein, may from time to time be admitted to membership of the Association on the vote of the Directors, and on payment of the annual membership fee, provided that no officer or servant of the Government of Ontario or the Government of Canada holding office in or attached to the Department of Agriculture of such Government respectively, shall be a member of this Section.

Paid membership, Merchants, Manufacturers and General Section.

(9) The Agricultural Section shall have two kinds of membership as follows:

Membership, Agricultural Section.

(a) representative membership, not to exceed ninety members;

(b) paid membership.

(10) The representative membership of the Agricultural Section shall consist of:

Representative membership, Agricultural Section.

(a) (i) The Director, Experimental Farms Service; The Director of Production Service; The Veterinary Director General; The Assistant Director of Production Service, Livestock and Poultry Division; The Chief, Livestock Production Service (Plant Products); The District Supervisor Production Service (Seeds); The Director, Marketing Services and Chairman, Agricultural Prices Support Board; The Associate Director, Dairy Products Division; The Assistant Director, Marketing Services, Fruit and Vegetable Division; The Assistant Director, Marketing Services, Livestock and Livestock Products Division; The Chief, Poultry Marketing and Production Services; The Director, Information Services; The Chief Registration Officer; The Assistant Chief Registration Officer; The Dominion Horticulturist, Central Experimental Farm; The Dominion Husbandman, Central Experimental Farm; The Dominion Poultry Husbandman, Central Experimental Farm; The Chief Inspec-

tor, Canadian Record of Performance; The Chief of Field Service for Sheep; The Dominion Greenhouse Specialist, Central Experimental Farm; The Senior Agricultural Engineer, Central Experimental Farm,

all from the Department of Agriculture of Canada, and

- (ii) The Commissioner of Livestock Branch; The Director of Extension; The Principal, Kemptville Agricultural School,

all from the Department of Agriculture of Ontario, and

- (iii) The Director, Canadian National Livestock Records; The Assistant Director, Canadian National Livestock Records; The Secretary, Canadian Council on Boys and Girls Club Work; and the Warden of the County of Carleton, and
- (iv) Provincial Government Agricultural Representative of each of the following counties: Carleton, Renfrew, Lanark, Leeds, Grenville, Dundas, Glengarry, Prescott, Russell;

- (b) one representative from the Agricultural Societies of each of the following towns and villages: Carp, Metcalf, Russell, Richmond, Almonte, Kemptville, Osgoode, Cumberland;
- (c) two representatives from the Ontario Association of Agricultural Societies;
- (d) one representative from each of the following organizations:

The Women's Institute of Eastern Ontario; Canadian Ayrshire Breeders' Association; Ottawa Valley Ayrshire Breeders' Club; The Bee Keepers' Association of Carleton County; Ontario Cattle Breeders' Association; Clydesdale Horse Association of Canada; Canadian Florists' and Gardeners' Association; Canadian Hereford Breeders' Association; Holstein-Friesian Association of Canada; Carleton and Russell Holstein Club; Ontario Horse Breeders' Association; Ottawa Horticultural Society; Canadian Jersey Cattle Club; Ottawa Valley Jersey Breeders' Association; Canadian Kennel Club; Ottawa Kennel Club; Greater Ottawa Poultry, Pigeon and Pet Stock Association; Canadian Pony Society; Eastern

Ontario Poultry Association; Ottawa Valley Seed Growers' Association; Canadian Sheep Breeders' Association; Ottawa Valley Sheep Breeders' Association; Ontario Sheep Breeders' Association; Canadian Shorthorn Association; Ottawa Valley Shorthorn Breeders' Club; Canadian Swine Breeders' Association; Ontario Swine Breeders' Association; Eastern Ontario Yorkshire Association; Canadian Thoroughbred Horse Society; Canadian Standard Bred Horse Society; Canadian Hackney Horse Society; Ontario Vegetable Growers' Association (Ottawa Branch); Ontario Vegetable Growers' Association; Central Canada Veterinary Association; Ottawa Farm Journal; Ottawa Valley Hunt Club; Canadian Percheron Association; Canadian Belgium Horse Association; Canadian Guernsey Breeders' Association; Canadian Aberdeen-Angus Association; Ontario Clydesdale Club; Canadian Horse Shows Association; O.W.F.; Ottawa Valley Light Horse Association; Canadian Saddle Horse Association;

- (e) all past presidents of the Association who, at the time of holding office, were members of the Agricultural Section.

(11) The membership under clauses *b*, *c* and *d* of subsection 10 shall be subject to such changes or additions as may from time to time be decided upon by a majority vote of all the Directors, provided that the total representative membership of the Agricultural Section shall not at any time exceed ninety.

Changes and additions in representative membership.

(12) The paid membership of the Agricultural Section shall consist of such persons other than representative members of this Section, who, being resident in Ontario, whether in or outside of the City of Ottawa, and who own or operate a farm within Ontario, or being an officer or servant of the Government of Ontario or the Government of Canada holding office in or attached to the Department of Agriculture of such Government respectively, may from time to time be admitted to membership of the Association on a vote of the Directors and on payment of the annual membership fee.

Paid membership, Agricultural Section.

(13) Whenever it is provided in this section that one or more members of any body shall be a member of any of the Sections into which the Association is divided, such body (other than the city council or an educational board), shall name and appoint such members at the annual meeting thereof, and notice of such appointment, and of the names and addresses of the members appointed, signed by the president and secretary of such body, shall be delivered or mailed to the Association at its head office in the City of Ottawa, not later than one month after the holding of such annual meeting.

Representative members, how and when appointed.

Term of
office, repre-
sentative
members.

(14) Every person appointed a representative member of the Association by any of the bodies named in subsections 6 and 10 shall continue to be a member until notice of the appointment of his successor is given as provided by subsection 13.

Failure to
appoint
representa-
tive
members.

(15) In the event of any such body failing to appoint a representative in any year, and to give notice thereof as provided by subsection 13, the Board of Directors of the Association may by resolution suspend or cancel the representation of such body, and the decision of the said Board shall be final upon any question raised as to the regularity or sufficiency of the appointment or notice of appointment of any member.

Admittance
of repre-
sentative
members of
other bodies
or persons.

(16) The Board of Directors of the Association may by by-law admit to representative membership in the Association such number of representatives of other bodies or such other persons as they may see fit, and shall in such case assign the same to one or other of the Sections referred to in clauses *b* and *c* of subsection 3, provided that in no case shall the number of representative members attached to any such Section be increased beyond ninety.

Paid
members,
how and
when
admitted.

(17) Subject to the provisions of subsections 8 and 12, the Board of Directors of the Association may from time to time provide, by by-law, that such persons as shall pay the fees prescribed by such by-law may be admitted to paid membership thereof, and all such members shall be assigned to one or other of the Sections referred to in clauses *b* and *c* of subsection 3.

Honorary
members.

(18) The Board of Directors of the Association may by by-law appoint honorary members of the Association who shall have all the privileges of ordinary members, except the privilege of holding office and the privilege of voting.

Determina-
tion of
questions
by Board.

(19) Should any question arise as to the residence of any member of the Association, or as to whether such member is, or is not, an officer or servant of the Dominion or Provincial Government holding office in or attached to the Department of Agriculture of such Government, respectively, such question shall be determined by the Board of Directors of the Association, whose determination, expressed by a resolution thereof, shall be final.

Membership
lists,
approved by
Directors.

(20) Prior to the annual meeting, the membership lists in the Merchants, Manufacturers and General Section and in the Agricultural Section shall be submitted to the Board of Directors for approval and the decision of the Board of Directors as to those entitled to vote in each Section shall be final.

2. Section 9 of the Act of Incorporation, as re-enacted by 1888, c. 79, section 2 of chapter 125 of the Statutes of Ontario, 1919, and amended by section 3 of *Central Canada Exhibition Association Act, 1929*, is repealed and the following substituted therefor:

9.—(1) The Board of Directors of the Association shall consist of: Constitution of Board of Directors:

- (a) all past presidents of the Association; the Warden of the County of Carleton; the President of the Winter Fair and the Mayor of Ottawa; ex officio directors;
- (b) seven members of the council of the City of Ottawa, other than the Mayor, to be named and appointed by such council not later than the third Wednesday of January in each year; appointed directors;
- (c) eight representatives from the membership of each of the following Sections: elected directors;
 - (i) Merchants, Manufacturers and General Section,
 - (ii) Agricultural Section.

(2) The eight representatives from each of the Merchants, Manufacturers, and General Section and from the Agricultural Section shall be elected by these respective Sections by ballot by plurality of the votes cast by the members of each of these respective Sections at an annual election at or immediately preceding the annual meeting of the Association. The four representatives from each of these Sections who receive the largest number of votes at the election in the year 1951 shall hold office for a term of two years and the remaining four from each of these Sections shall hold office for a term of one year and thereafter four members from each of the said Sections shall be elected for a term of two years. The Board of Directors of the Association may by by-law authorize the holding of the election for such representatives by mail, in which event the ballots shall remain unopened until the day of the annual meeting of the Association when they shall be counted and the results of the election announced thereat. Elected directors, how and when elected, term of office.

(3) The Directors shall immediately after such election elect from among the members of the Board a president and two vice-presidents. The president, vice-presidents and, subject to subsection 2, the Directors shall continue in office for two years and until their successors are appointed. If any vacancy at any time occurs by death, resignation or otherwise, on the Board of Directors or in the office of president or vice-president, the remaining Directors shall fill such vacancy Election of officers.

by the appointment of some member of the Association, who shall hold office for the remainder of the term for which his predecessor in office was appointed.

Honorary
directors.

(4) The Association may at its annual general meeting appoint such persons as it thinks proper, honorary directors of the Association, but such honorary directors shall not have the right to vote or hold office or take part at the meetings of the Board of Directors.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Central Canada Exhibition Association Act, 1950*.

BILL

An Act respecting Central
Canada Exhibition Association.

1st Reading

2nd Reading

3rd Reading

MR. MORROW

(*Private Bill*)

No. 9

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Central Canada Exhibition Association.

MR. MORROW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Central Canada Exhibition Association.

WHEREAS the Central Canada Exhibition Association, *Preamble*, incorporated by *An Act to incorporate the Central* 1888, c. 79. *Canada Exhibition Association* (hereinafter called the Act of Incorporation), being chapter 79 of the Statutes of Ontario, 1888, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of the Act of Incorporation, as re-enacted by 1888, c. 79. section 1 of chapter 125 of the Statutes of Ontario, 1919, and s. 4, (1919) amended by section 2 of *Central Canada Exhibition Association* c. 125, s. 1). *Act, 1929* and sections 2 and 3 of *The Central Canada Exhibition Association Act, 1933*, is repealed and the following substituted therefor:

4.—(1) The membership of the said Association shall be *Membership* divided into two classes as follows:

(a) honorary membership;

(b) ordinary membership.

(2) Honorary membership shall consist of those persons *Honorary* who may be appointed honorary members by by-law of the *membership* Board of Directors.

(3) Ordinary membership shall be divided into three *Ordinary* sections as follows: *membership*.

(a) City Council Section;

(b) Merchants, Manufacturers and General Section;

(c) Agricultural Section.

Membership,
City Council
Section.

(4) The City Council Section shall consist of the Mayor, the members of the board of control and the members of the council of the City of Ottawa.

Membership,
Merchants,
Manufacturers and
General
Section.

(5) The Merchants, Manufacturers and General Section shall have two kinds of membership as follows:

- (a) representative membership, not to exceed ninety members;
- (b) paid membership.

Representative
membership,
Merchants,
Manufacturers and
General
Section.

(6) The representative membership of the Merchants, Manufacturers and General Section shall consist of:

- (a) two members of each of the following bodies:

Allied Trades and Labour Association of Ottawa;
Board of Trade of the City of Ottawa; City of
Ottawa Public School Board; The Federal District
Commission; Collegiate Institute Board of Ottawa;
Roman Catholic Separate School Board of Ottawa;

- (b) one member of each of the following bodies:

The Automotive Trades Association of Ottawa;
Canadian Club of Ottawa; Ottawa Council No. 643,
United Commercial Travellers' Association of
America; Rotary Club of Ottawa; Gyro Club of
Ottawa; Richelieu Club; Kinsmen Club of Ottawa;
Kiwanis Club of Ottawa; Lions Club of Ottawa;
Retail Grocers Association (Ottawa Branch); Cana-
dian Legion, Branch 16, of Ottawa; Canadian Legion,
Montgomery Branch No. 351, of Ottawa; Canadian
Lumbermen's Association; Canadian Press Associa-
tion (Ottawa Branch); Civil Service Association of
Canada; Eastern Ontario Weekly Press Association;
The Journal Publishing Company of Ottawa; The
Citizen Publishing Company of Ottawa; Syndicat
D'Oeuvres Sociales Ltd. (Le Droit); Local Council
of Women; Business and Professional Women's
Association; Zonta Club; Ottawa Retail Lumber
Dealers' Association; Junior Board of Trade; Boy
Scout Association; The Ottawa Property Owners
Association; Optimist Club; La Chambre de Com-
merce de Ottawa; Food Distributor Association of
Canada; Canadian Manufacturers' Association; Com-
mercial Travellers Association of Canada; The Quota
Club of Ottawa; The Soroptomist Club of Ottawa;

- (c) all past presidents of the Association who are not members of the Agricultural Section.

(7) The membership under clauses *a* and *b* of subsection 6 shall be subject to such changes or additions as may from time to time be decided upon by a majority vote of all the Directors, provided, however, that the total representative membership of the Merchants, Manufacturers and General Section shall not at any time exceed ninety.

(8) The paid membership of the Merchants, Manufacturers and General Section shall consist of such persons other than representative members of this Section who, being residents of the City of Ottawa, or whose place of business is situated therein, may from time to time be admitted to membership of the Association on the vote of the Directors, and on payment of the annual membership fee, provided that no officer or servant of the Government of Ontario or the Government of Canada holding office in or attached to the Department of Agriculture of such Government respectively, shall be a member of this Section.

(9) The Agricultural Section shall have two kinds of membership as follows:

(a) representative membership, not to exceed ninety members;

(b) paid membership.

(10) The representative membership of the Agricultural Section shall consist of:

- (a) (i) The Director, Experimental Farms Service; The Director of Production Service; The Veterinary Director General; The Assistant Director of Production Service, Livestock and Poultry Division; The Chief, Livestock Production Service (Plant Products); The District Supervisor Production Service (Seeds); The Director, Marketing Services and Chairman, Agricultural Prices Support Board; The Associate Director, Dairy Products Division; The Assistant Director, Marketing Services, Fruit and Vegetable Division; The Assistant Director, Marketing Services, Livestock and Livestock Products Division; The Chief, Poultry Marketing and Production Services; The Director, Information Services; The Chief Registration Officer; The Assistant Chief Registration Officer; The Dominion Horticulturist, Central Experimental Farm; The Dominion Husbandman, Central Experimental Farm; The Dominion Poultry Husbandman, Central Experimental Farm; The Chief Inspec-

tor, Canadian Record of Performance; The Chief of Field Service for Sheep; The Dominion Greenhouse Specialist, Central Experimental Farm; The Senior Agricultural Engineer, Central Experimental Farm,

all from the Department of Agriculture of Canada, and

- (ii) The Commissioner of Livestock Branch; The Director of Extension; The Principal, Kemptville Agricultural School,

all from the Department of Agriculture of Ontario, and

- (iii) The Director, Canadian National Livestock Records; The Assistant Director, Canadian National Livestock Records; The Secretary, Canadian Council on Boys and Girls Club Work; and the Warden of the County of Carleton, and
 - (iv) Provincial Government Agricultural Representative of each of the following counties: Carleton, Renfrew, Lanark, Leeds, Grenville, Dundas, Glengarry, Prescott, Russell;
- (b) one representative from the Agricultural Societies of each of the following towns and villages: Carp, Metcalf, Russell, Richmond, Almonte, Kemptville, Osgoode, Cumberland;
 - (c) two representatives from the Ontario Association of Agricultural Societies;
 - (d) one representative from each of the following organizations:

The Women's Institute of Eastern Ontario; Canadian Ayrshire Breeders' Association; Ottawa Valley Ayrshire Breeders' Club; The Bee Keepers' Association of Carleton County; Ontario Cattle Breeders' Association; Clydesdale Horse Association of Canada; Canadian Florists' and Gardeners' Association; Canadian Hereford Breeders' Association; Holstein-Friesian Association of Canada; Carleton and Russell Holstein Club; Ontario Horse Breeders' Association; Ottawa Horticultural Society; Canadian Jersey Cattle Club; Ottawa Valley Jersey Breeders' Association; Canadian Kennel Club; Ottawa Kennel Club; Greater Ottawa Poultry, Pigeon and Pet Stock Association; Canadian Pony Society; Eastern

Ontario Poultry Association; Ottawa Valley Seed Growers' Association; Canadian Sheep Breeders' Association; Ottawa Valley Sheep Breeders' Association; Ontario Sheep Breeders' Association; Canadian Shorthorn Association; Ottawa Valley Shorthorn Breeders' Club; Canadian Swine Breeders' Association; Ontario Swine Breeders' Association; Eastern Ontario Yorkshire Association; Canadian Thoroughbred Horse Society; Canadian Standard Bred Horse Society; Canadian Hackney Horse Society; Ontario Vegetable Growers' Association (Ottawa Branch); Ontario Vegetable Growers' Association; Central Canada Veterinary Association; Ottawa Farm Journal; Ottawa Valley Hunt Club; Canadian Percheron Association; Canadian Belgium Horse Association; Canadian Guernsey Breeders' Association; Canadian Aberdeen-Angus Association; Ontario Clydesdale Club; Canadian Horse Shows Association; O.W.F.; Ottawa Valley Light Horse Association; Canadian Saddle Horse Association;

- (e) all past presidents of the Association who, at the time of holding office, were members of the Agricultural Section.

(11) The membership under clauses *b*, *c* and *d* of subsection 10 shall be subject to such changes or additions as may from time to time be decided upon by a majority vote of all the Directors, provided that the total representative membership of the Agricultural Section shall not at any time exceed ninety.

Changes and additions in representative membership.

(12) The paid membership of the Agricultural Section shall consist of such persons other than representative members of this Section, who, being resident in Ontario, whether in or outside of the City of Ottawa, and who own or operate a farm within Ontario, or being an officer or servant of the Government of Ontario or the Government of Canada holding office in or attached to the Department of Agriculture of such Government respectively, may from time to time be admitted to membership of the Association on a vote of the Directors and on payment of the annual membership fee.

Paid membership, Agricultural Section.

(13) Whenever it is provided in this section that one or more members of any body shall be a member of any of the Sections into which the Association is divided, such body (other than the city council or an educational board), shall name and appoint such members at the annual meeting thereof, and notice of such appointment, and of the names and addresses of the members appointed, signed by the president and secretary of such body, shall be delivered or mailed to the Association at its head office in the City of Ottawa, not later than one month after the holding of such annual meeting.

Representative members, how and when appointed.

Term of office, representative members.

(14) Every person appointed a representative member of the Association by any of the bodies named in subsections 6 and 10 shall continue to be a member until notice of the appointment of his successor is given as provided by subsection 13.

Failure to appoint representative members.

(15) In the event of any such body failing to appoint a representative in any year, and to give notice thereof as provided by subsection 13, the Board of Directors of the Association may by resolution suspend or cancel the representation of such body, and the decision of the said Board shall be final upon any question raised as to the regularity or sufficiency of the appointment or notice of appointment of any member.

Admittance of representative members of other bodies or persons.

(16) The Board of Directors of the Association may by by-law admit to representative membership in the Association such number of representatives of other bodies or such other persons as they may see fit, and shall in such case assign the same to one or other of the Sections referred to in clauses *b* and *c* of subsection 3, provided that in no case shall the number of representative members attached to any such Section be increased beyond ninety.

Paid members, how and when admitted.

(17) Subject to the provisions of subsections 8 and 12, the Board of Directors of the Association may from time to time provide, by by-law, that such persons as shall pay the fees prescribed by such by-law may be admitted to paid membership thereof, and all such members shall be assigned to one or other of the Sections referred to in clauses *b* and *c* of subsection 3.

Honorary members.

(18) The Board of Directors of the Association may by by-law appoint honorary members of the Association who shall have all the privileges of ordinary members, except the privilege of holding office and the privilege of voting.

Determination of questions by Board.

(19) Should any question arise as to the residence of any member of the Association, or as to whether such member is, or is not, an officer or servant of the Dominion or Provincial Government holding office in or attached to the Department of Agriculture of such Government, respectively, such question shall be determined by the Board of Directors of the Association, whose determination, expressed by a resolution thereof, shall be final.

Membership lists, approved by Directors.

(20) Prior to the annual meeting, the membership lists in the Merchants, Manufacturers and General Section and in the Agricultural Section shall be submitted to the Board of Directors for approval and the decision of the Board of Directors as to those entitled to vote in each Section shall be final.

2. Section 9 of the Act of Incorporation, as re-enacted by 1888, c. 79, section 2 of chapter 125 of the Statutes of Ontario, 1919, and s. 9 (1919, c. 125, s. 2), amended by section 3 of *Central Canada Exhibition Association Act, 1929*, is repealed and the following substituted therefor: re-enacted.

9.—(1) The Board of Directors of the Association shall consist of: Constitution of Board of Directors:

(a) all past presidents of the Association; the Warden ex officio directors; of the County of Carleton; the President of the Winter Fair and the Mayor of Ottawa;

(b) seven members of the council of the City of Ottawa, appointed directors; other than the Mayor, to be named and appointed by such council not later than the third Wednesday of January in each year;

(c) eight representatives from the membership of each of elected directors; the following Sections:

(i) Merchants, Manufacturers and General Section,

(ii) Agricultural Section.

(2) The eight representatives from each of the Merchants, Elected directors, how and when elected, term of office. Manufacturers, and General Section and from the Agricultural Section shall be elected by these respective Sections by ballot by plurality of the votes cast by the members of each of these respective Sections at an annual election at or immediately preceding the annual meeting of the Association. The four representatives from each of these Sections who receive the largest number of votes at the election in the year 1951 shall hold office for a term of two years and the remaining four from each of these Sections shall hold office for a term of one year and thereafter four members from each of the said Sections shall be elected for a term of two years. The Board of Directors of the Association may by by-law authorize the holding of the election for such representatives by mail, in which event the ballots shall remain unopened until the day of the annual meeting of the Association when they shall be counted and the results of the election announced thereat.

(3) The Directors shall immediately after such election elect from among the members of the Board a president and two vice-presidents. The president, vice-presidents and, subject to subsection 2, the Directors shall continue in office for two years and until their successors are appointed. If any vacancy at any time occurs by death, resignation or otherwise, on the Board of Directors or in the office of president or vice-president, the remaining Directors shall fill such vacancy Election of officers.

by the appointment of some member of the Association, who shall hold office for the remainder of the term for which his predecessor in office was appointed.

Honorary
directors.

(4) The Association may at its annual general meeting appoint such persons as it thinks proper, honorary directors of the Association, but such honorary directors shall not have the right to vote or hold office or take part at the meetings of the Board of Directors.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Central Canada Exhibition Association Act, 1950*.

BILL

An Act respecting Central
Canada Exhibition Association.

1st Reading

February 28th, 1950

2nd Reading

March 8th, 1950

3rd Reading

March 13th, 1950

MR. MORROW

No. 10

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting The Border Cities Young Men's and Young Women's
Christian Associations.

MR. MURDOCH

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 10

1950

BILL

An Act respecting The Border Cities Young Men's
and Young Women's Christian Associations.

WHEREAS The Border Cities Young Men's and Young Women's Christian Associations by its petition has prayed for special legislation to amend *The Border Cities Young Men's and Young Women's Christian Associations Act, 1931*; and whereas it is expedient to grant the prayer of the petition;

Preamble.
1931,
c. 138.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 11 of *The Border Cities Young Men's and Young Women's Christian Associations Act, 1931* is amended by striking out the words "and school purposes" in the fifth line, so that the subsection shall read as follows:

1931,
c. 138, s. 11,
subs. 1,
amended.

(1) The buildings, lands, equipment, and undertaking of the associations, so long as the same are occupied by and used for the purposes of the associations shall be and the same are hereby declared to be exempt from taxation, except for taxation for local improvements.

Tax
exemption.

2. This Act shall come into force on the day it receives the Royal Assent.

Commence-
ment of Act.

3. This Act may be cited as *The Border Cities Young Men's and Young Women's Christian Associations Act, 1950*.

Short title.

BILL

An Act respecting The Border Cities
Young Men's and Young Women's
Christian Associations.

1st Reading

2nd Reading

3rd Reading

M.R. MURDOCH

(Private Bill)

No. 10

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

**An Act respecting The Border Cities Young Men's and Young Women's
Christian Associations.**

MR. MURDOCH

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 10

1950

BILL

An Act respecting The Border Cities Young Men's
and Young Women's Christian Associations.

WHEREAS The Border Cities Young Men's and Young Women's Christian Associations by its petition has prayed for special legislation to amend *The Border Cities Young Men's and Young Women's Christian Associations Act, 1931*; and whereas it is expedient to grant the prayer of the petition;

Preamble.

1931,
c. 138.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 11 of *The Border Cities Young Men's and Young Women's Christian Associations Act, 1931* is amended by striking out the words "and school purposes" in the fifth line, so that the subsection shall read as follows:

1931,
c. 138, s. 11,
subs. 1,
amended.

- (1) The buildings, lands, equipment, and undertaking of the associations, so long as the same are occupied by and used for the purposes of the associations shall be and the same are hereby declared to be exempt from taxation, except for taxation for local improvements.

Tax
exemption.

2. This Act shall come into force on the day it receives the Royal Assent.

Commence-
ment of Act.

3. This Act may be cited as *The Border Cities Young Men's and Young Women's Christian Associations Act, 1950*.

Short title.

BILL

An Act respecting The Border Cities
Young Men's and Young Women's
Christian Associations.

1st Reading

February 28th, 1950

2nd Reading

March 8th, 1950

3rd Reading

March 13th, 1950

Mr. MURDOCH

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting The Hospital for Sick Children.

MR. RAE

(PRIVATE BILL)



No. 11

1950

BILL

An Act respecting The Hospital for Sick Children.

WHEREAS The Hospital for Sick Children by its petition Preamble. has prayed that an Act be passed amending its Act of Incorporation as hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Hospital for Sick Children Act, 1915*, 1915, c. 89, s. 2, amended. as amended by section 1 of *An Act respecting the Hospital for Sick Children*, being chapter 153 of the Statutes of Ontario, 1922, is further amended by striking out the word "eighteen" in the amendment of 1922 and inserting in lieu thereof the word "thirty".

2. Section 3 of *The Hospital for Sick Children Act, 1915*, 1915, c. 89, s. 3 as re-enacted by section 2 of *An Act respecting the Hospital for Sick Children*, being chapter 153 of the Statutes of Ontario, (1922, c. 153, s. 2), re-enacted. 1922, is repealed and the following substituted therefor:

3.—(1) The persons who are members of the board of Membership of Board. trustees of the corporation on the 1st day of April, 1950, and any additional trustees appointed as hereinafter provided, not exceeding in all the number thirty, shall be the board of trustees of the corporation, and shall have the powers and perform the duties given to them by this or any other Act, and shall hold office until their successors are appointed, subject to the provisions of section 9 and to the by-laws of the corporation.

(2) A majority of the trustees present at a regular Appointment of new trustees. meeting shall have power to appoint new trustees to bring the total number up to the number of trustees, not exceeding thirty, to be fixed and regulated from time to time by by-law passed at any annual general meeting or at any special general meeting duly called for that purpose.

1915,
c. 89, s. 6,
re-enacted.

3. Section 6 of *The Hospital for Sick Children Act, 1915* is repealed and the following substituted therefor:

Powers of
trustees, etc.

6. The board of trustees of the corporation shall have power,—

- (a) to appoint all officers for conducting the affairs of the corporation;
- (b) to regulate the discipline, management and government of the hospital;
- (c) to pass by-laws from time to time to regulate the number of trustees, not exceeding thirty, and the quorum thereof;
- (d) to pass by-laws delegating any of their powers and duties to an executive committee, consisting of not less than three and not more than ten, to be elected by the trustees from their number;
- (e) to pass by-laws establishing a committee or committees as they may deem advisable consisting of one or more to be elected by the trustees from their number, such committee or committees to have such powers and perform such duties as may be assigned to it or to them from time to time by the board;
- (f) generally to make by-laws, rules and regulations for the effective government and management of the affairs of the corporation, and for the calling and holding of meetings of the corporation and of committees.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Hospital for Sick Children Act, 1950*.



An Act respecting The Hospital for
Sick Children.

1st Reading

2nd Reading

3rd Reading

MR. RAE

(*Private Bill*)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting The Hospital for Sick Children.

MR. REA



BILL

An Act respecting The Hospital for Sick Children.

WHEREAS The Hospital for Sick Children by its petition Preamble.
has prayed that an Act be passed amending its Act of
Incorporation as hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 2 of *The Hospital for Sick Children Act, 1915*, 1915, c. 89, s. 2, amended.
as amended by section 1 of *An Act respecting the Hospital for Sick Children*, being chapter 153 of the Statutes of Ontario, 1922, is further amended by striking out the word "eighteen" in the amendment of 1922 and inserting in lieu thereof the word "thirty".

2. Section 3 of *The Hospital for Sick Children Act, 1915*, 1915, c. 89, s. 3
as re-enacted by section 2 of *An Act respecting the Hospital for Sick Children*, being chapter 153 of the Statutes of Ontario, (1922, c. 153, s. 2), re-enacted.
1922, is repealed and the following substituted therefor:

3.—(1) The persons who are members of the board of Membership of Board.
trustees of the corporation on the 1st day of April, 1950, and any additional trustees appointed as hereinafter provided, not exceeding in all the number thirty, shall be the board of trustees of the corporation, and shall have the powers and perform the duties given to them by this or any other Act, and shall hold office until their successors are appointed, subject to the provisions of section 9 and to the by-laws of the corporation.

(2) A majority of the trustees present at a regular Appointment of new trustees.
meeting shall have power to appoint new trustees to bring the total number up to the number of trustees, not exceeding thirty, to be fixed and regulated from time to time by by-law passed at any annual general meeting or at any special general meeting duly called for that purpose.

1915,
c. 89, s. 6,
re-enacted.

3. Section 6 of *The Hospital for Sick Children Act, 1915* is repealed and the following substituted therefor:

Powers of
trustees, etc.

6. The board of trustees of the corporation shall have power,—

- (a) to appoint all officers for conducting the affairs of the corporation;
- (b) to regulate the discipline, management and government of the hospital;
- (c) to pass by-laws from time to time to regulate the number of trustees, not exceeding thirty, and the quorum thereof;
- (d) to pass by-laws delegating any of their powers and duties to an executive committee, consisting of not less than three and not more than ten, to be elected by the trustees from their number;
- (e) to pass by-laws establishing a committee or committees as they may deem advisable consisting of one or more to be elected by the trustees from their number, such committee or committees to have such powers and perform such duties as may be assigned to it or to them from time to time by the board;
- (f) generally to make by-laws, rules and regulations for the effective government and management of the affairs of the corporation, and for the calling and holding of meetings of the corporation and of committees.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Hospital for Sick Children Act, 1950*.



An Act respecting The Hospital for
Sick Children.

1st Reading

February 28th, 1950

2nd Reading

March 10th, 1950

3rd Reading

March 15th, 1950

MR. REA

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting The Ottawa Young Men's Christian Association.

MR. MORROW

(PRIVATE BILL)



BILL

An Act respecting The Ottawa Young Men's Christian Association.

WHEREAS The Ottawa Young Men's Christian Association has represented that it was incorporated by *An Act to incorporate The Ottawa Young Men's Christian Association* (hereinafter called the Act of Incorporation), being chapter 140 of the Statutes of Ontario, 1900, and by its petition has prayed for special legislation to amend the said Act; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of the Act of Incorporation is amended by striking out all the words after the word "Ottawa" in the eleventh line and inserting in lieu thereof the following:

and elsewhere in Ontario, and the same or any part thereof to sell, transfer, exchange, mortgage, charge, lease or otherwise alienate or dispose of as occasion may require, provided that lands at any time so acquired and not actually used for the work of the said corporation or required by way of security for the payment of any loan, debt or guarantee, shall not be held by the corporation for a longer period than seven years after it shall cease to be so used or required, but this proviso shall not be deemed in any wise to vary or otherwise affect any trust relating to such lands.

(2) Subsection 2 of the said section 1, as enacted by section 1 of *An Act to amend the Act to incorporate The Ottawa Young Men's Christian Association*, being chapter 163 of the Statutes of Ontario, 1910, is repealed.

2. Section 3 of the Act of Incorporation, as amended by section 2 of the said *An Act to amend the Act to incorporate The Ottawa Young Men's Christian Association*, is further

amended by inserting after the word "gymnasiums" in the fourth line the words "recreation rooms, summer camps, athletic and playing fields, aquatic facilities", so that the section shall read as follows:

Object of
corporation.

3. The object of the said corporation shall be the spiritual, mental, social and physical improvement of young men by the maintenance and support of meetings, lectures, classes, reading rooms, library, gymnasiums, recreation rooms, summer camps, athletic and playing fields, aquatic facilities, dormitories, bedrooms, lunch-rooms, and such other means as may from time to time be determined upon.

1900,
c. 140, s. 11,
re-enacted.

3. Section 11 of the Act of Incorporation is repealed and the following substituted therefor:

Exemption
from
taxation.

11. The real estate of the said corporation, so long as and to the extent that the same is occupied by and used for the purposes of the corporation, shall be exempt from taxation.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Ottawa Young Men's Christian Association Act, 1950*.



An Act respecting The Ottawa Young
Men's Christian Association.

1st Reading

2nd Reading

3rd Reading

MR. MORROW

(Private Bill)

No. 13

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

**An Act respecting Mount Hamilton Branch of the Canadian Legion
and the Salvation Army.**

MR. THORNBERRY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 13

1950

BILL

An Act respecting Mount Hamilton Branch of the Canadian Legion and the Salvation Army.

WHEREAS the Mount Hamilton Branch of the Canadian Legion of the British Empire Service League and the Commissioner of the Governing Council of the Salvation Army of Canada East by their petition have represented that certain lands and premises in the City of Hamilton in the County of Wentworth, known as Municipal Number 570 Concession Street, Hamilton, now held by the said Commissioner in trust for the use of all denominations of Christians professing the Protestant Faith, are no longer used for such trust and are no longer necessary or desirable for such trust and can be used in the best interest of the public by the said branch of the Canadian Legion for the patriotic and philanthropic objects contained in the constitution of the Canadian Legion; and whereas the petitioners have prayed for legislation validating an agreement for sale of the said lands and premises dated the 30th day of November, 1948, and permitting the said Commissioner or his successor in office to convey the said lands and premises, free of all the trusts contained in Indenture dated the 23rd day of June, 1860, and registered as Number D234 in the registry office for the Registry Division of Wentworth in Book for the Township of Barton, to the Trustees of the said branch of the Canadian Legion; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Agreement set forth in the Schedule to this Act is validated and confirmed and declared to be legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, and the said Commissioner or his successor in office is hereby authorized and empowered to do all acts, matters and things as may be deemed necessary by the said Commissioner and the Trustees of the Mount Hamilton Branch of the Canadian Legion of the British Empire Service League for the full and proper carrying out of the provisions of the Agreement.

Agreement
validated.

Sale of
lands
authorized.

(2) The said Commissioner or his successor in office is hereby authorized to sell pursuant to the terms of the said agreement, to the Trustees of the Mount Hamilton Branch of the Canadian Legion of the British Empire Service League free from the aforesaid trusts, the lands and premises described as all and singular that certain parcel or tract of land and premises situate lying and being composed of the north-east angle of Park Lot Number One in Block D. of a survey of Park Lots made for Edward and John F. Moore by Thomas Allan Blythe, P.L.S., and called Mountsville, and being part of Lot Number Ten in the Fourth Concession of the Township of Barton, and which piece of land extends along Mountain Street fifty feet, and runs back at right angles to a distance of eighty feet, which property is commonly known as 570 Concession Street, Mount Hamilton, and the said Trustees shall hold the said lands and premises for the patriotic and philanthropic purposes and objects contained in the constitution of the Canadian Legion of the British Empire Service League.

Commence-
ment of Act.

2.—This Act shall come in force on the day it receives the Royal Assent.

Short title.

3.—This Act may be cited as *The Mount Hamilton Branch of the Canadian Legion of the British Empire Service League Act, 1950.*

SCHEDULE

AGREEMENT made this 30th day of November, in the year of our Lord one thousand nine hundred and forty-eight,

BETWEEN:

COMMISSIONER CHARLES BAUGH, the successor in office of Commissioner Charles Sowton of the Governing Council of the Salvation Army of Canada East, Trustee, hereinafter called the "Vendor",

OF THE ONE PART,

—and—

GEORGE T. INCH, CHARLES L. TAYLOR, SYDNEY KEETON, GEORGE JURY and JOHN FISH, Trustees of Mount Hamilton Branch Canadian Legion of the British Empire Service League, hereinafter called the "Purchasers",

OF THE OTHER PART.

WHEREAS by an Indenture dated the 23rd day of June, 1860, Frederick Bray of the City of Hamilton, conveyed the lands and premises hereinafter described to Adam Cook, John Hood Greer, Alexander C. Glen, William B. Greene, William Parsons, Christian Sorenson, and William Buckingham, and their successors, as trustees, for erecting a Church or Mission Meeting House, for the use of all denominations of Christians professing the Protestant Faith;

AND WHEREAS the said Indenture provided that the said trustees and their successors in office should have and hold the said lands and premises for the said use of all denominations of Christians professing the Protestant Faith;

AND WHEREAS by virtue of a Vesting Order bearing the date of January 21, 1926, and made by The Honourable Mr. Justice Logie in the Supreme Court of Ontario, it was ordered that Wilson A. Crockett, Charles Brayley, R. Hunt, William Widdicombe, Edward Hunt and Benjamin Hunt be permitted to retire from the trusteeship of the said trust property under the said Indenture of Trust dated the 23rd day of June, 1860, and registered in the Registry Office for the Registry Division of Wentworth, in Book for the Township of Barton, as No. D234, upon their each passing their accounts as trustees before the Local Master of the said Court at Hamilton;

AND WHEREAS by virtue of the said Order it was also ordered that upon the said Wilson A. Crockett, Charles Brayley, R. Hunt, William Widdicombe, Edward Hunt and Benjamin Hunt having each duly passed their accounts as aforesaid, and upon having paid over and assigned and transferred all the balances of the assets of the said Trust Estate found in their hands respectively, they be and they were thereby relieved and discharged of and from all liability whatsoever arising from or in any way connected with their respective dealings as trustees with the said Trust Property under said Indenture of Trust registered as No. D234 as aforesaid;

AND WHEREAS by virtue of the said Order it was also ordered that Commissioner Sowton of the Governing Council of the Salvation Army of Canada East and his successors in office from time to time be and he was thereby appointed sole trustee under the above referred to Trust Deed in the place and stead of the said Wilson A. Crockett, Charles Brayley, R. Hunt, William Widdicombe, Edward Hunt and Benjamin Hunt, and that the lands described therein, namely:

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being composed of the northeast angle of Park Lot Number One in Block D, of a Survey of Park Lots made for Edward and John F. Moore by Thomas Allan Blythe, P.L.S., and called

MOUNTSVILLE, and being a part of Lot Number Ten in the Fourth Concession of the Township of Barton, and which piece of land extends along Mountain Street Fifty feet, and runs back at right angles to a distance of Eighty feet, which property is commonly known as 570 Concession Street, Mount Hamilton,

be and the same was thereby vested in the said Charles Sowton and his successors in office for all the trusts under the Indenture of Trust registered as No. D234 as aforesaid;

AND WHEREAS by virtue of the said Order it was also ordered That the Salvation Army be allowed to occupy the said Trust Property hereinbefore more particularly described in the preceding paragraph, free of rent, subject only to the payment of any Municipal rates and charges that might be assessed thereon from the First day of January 1926, and subject to the terms of the original Trust Deed referred to in the said Order;

AND WHEREAS the district referred to as Mount Hamilton has developed since the date of the said Indenture and since the date of the said Order, into a large community and is now served by many Protestant Churches and by a Citadel of the Salvation Army, and in the opinion of the Vendor, the need for the said lands and premises as a Church or Mission Meeting House for the use of all denominations of Christians professing the Protestant Faith no longer exists;

AND WHEREAS the said lands and premises have not been used adequately for the purposes of the Trust for a period of years, and in the opinion of the Vendor, it is desirable that the said lands and premises be used by some other philanthropic organization with Christian ideals, and the best interests of the public and the citizens of Mount Hamilton would be served thereby;

AND WHEREAS the trustees of the Mount Hamilton Branch Canadian Legion of the British Empire Service League have applied to the Vendor for permission to hold, use and enjoy, and have conveyed to them the said lands and premises, free of the said Trusts and for the purposes and objects of the said Canadian Legion;

AND WHEREAS the purposes and objects of the Canadian Legion of the British Empire Service League are as follows:

- (a) To bring about the unity of all who have served in His Majesty's Navy, Army, Air Force or any Auxiliary Force;
- (b) To further among them the spirit of comradeship and mutual help, and the close and kindly ties of active service;
- (c) To preserve the records and memories of their services, and to see that their services generally shall not be forgotten by the Nation, and (that) due attention shall be paid to their welfare and that of their dependants;
- (d) To perpetuate the memory and needs of the fallen and of those who die in the future; and to promote and care for memorials to their valour and sacrifice; to provide suitable burial; and to keep an annual Memorial Day;
- (e) To see to the maintenance and comfort of those who require special treatment, of the disabled, sick, aged and needy; and to promote the welfare of the women, children and others their dependants;
- (f) To educate public opinion regarding national duties to the dead, the disabled, and others who have served, and their dependants;
- (g) To foster loyalty among the public and education in the principles of patriotism, duty and unstinted public service;
- (h) To support suitable undertakings for the training, employment and settlement of ex-service men and women, and the education of their children;

- (i) To preserve their statutory, acquired and legitimate rights, and those of their dependants; and in so doing to offer the Legion's co-operation to those officially charged with the responsibility of administering such rights by Federal or other governments;
- (j) To pass on to their families and descendants the traditions for which they stand;
- (k) To assist comrades now serving, especially in connection with their return to civil life, and to safeguard the interests of their dependants whilst they are in service;
- (l) To assist ex-service men to secure not less than the recognized standard rates of wages, in accordance with their ability;
- (m) To secure adequate pensions, allowances, grants and war gratuities for ex-service men and women, their dependants, and the widows, children and dependants of those who are dead, and to labour for honourable provision being made for those who, in declining years are unable to support themselves;
- (n) To co-operate with Empire and allied associations of similar aims and objects;
- (o) To establish, organize and regulate provincial, district and local bodies, or Commands and Branches, in convenient centres throughout Canada and elsewhere;
- (p) To establish, organize and regulate provincial, district and local bodies of women for the purpose of assisting The Legion in seeing to the maintenance and comfort of disabled, sick, aged and needy ex-service men and women and their dependants, and to co-operate with the Legion in the promotion and carrying out of all the aims and objects of The Legion. Such groups to be known as the Ladies' Auxiliaries of The Canadian Legion of the British Empire Service League;
- (q) To acquire and hold such property in the nature of club rooms, canteens, hospitals, rest homes, offices, equipment of all kinds and material, as may be necessary for the administration of The Legion and its authorized Provincial and District Commands, Branches, and Ladies Auxiliaries, in pursuit of the aims and objects of The Legion as herein described;
- (r) To raise and co-ordinate funds for assisting those mentioned in the preceding paragraphs, to provide for the administration of The Legion and its authorized Provincial and District Commands, Branches and Ladies' Auxiliaries, and to see that these and other funds raised for such purposes are applied to those purposes and none other.

AND WHEREAS at a meeting of the Mount Hamilton Branch Canadian Legion of the British Empire Service League a resolution duly made and seconded and passed, provides that no beer, wine, or other intoxicating drink shall be sold or consumed on the said lands and premises;

NOW THIS INDENTURE WITNESSETH that in consideration of the sum of One Dollar now paid by the purchasers to the vendor, the receipt whereof is hereby by him acknowledged, the vendor agrees to sell and convey to the purchasers, and the purchasers agree to purchase from the vendor,

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being composed of the northeast angle of Park Lot Number One in Block D, of a Survey of Park Lots made for Edward and John F. Moore by Thomas Allan Blythe, P.L.S., and called MOUNTSVILLE, and being part of Lot Number Ten in the Fourth Concession of the Township of Barton, and which piece of land extends along Mountain Street

Fifty feet, and runs back at right angles to a distance of eighty feet, which property is commonly known as 570 Concession Street, Mount Hamilton, for the sum of One dollar.

The said lands and premises shall be conveyed to the said purchasers as Trustees of the Mount Hamilton Branch Canadian Legion of the British Empire Service League and their successors in office in trust for the said purposes and objects of The Canadian Legion of the British Empire Service League, and the said conveyance thereof from the vendor to the purchasers shall contain a Covenant that the trustees shall not permit the sale or consumption on the said lands and premises of beer, wine, or other intoxicating drink.

This agreement shall be effective only as and from the time when the Legislature of the Province of Ontario passes Legislation,—

- (a) Validating this Agreement;
- (b) Permitting the vendor to convey the said lands free of all the said trusts contained in Indenture dated the 23rd day of June, 1860, and registered as Number D234, to the purchasers.

The Parties hereto agree effective as of the date of execution hereof, to join in applying to the said Legislature for the passing of the Legislation contemplated by the last preceding paragraph.

This Agreement and the provisions herein contained shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their signatures.

SIGNED, SEALED AND DELIVERED

In the presence of,

F. BRYANT,
15 Salem Ave.,
Hamilton.

JAS. MERRITT.

(Seal)
(Seal)
(Seal)
(Seal)
(Seal)
(Seal)

C. L. TAYLOR,
G. W. JURY,
JOHN FISH,
G. T. INCH,
SYDNEY KEETON,
CHAS. BAUGH.



BILL

An Act respecting Mount Hamilton Branch
of the Canadian Legion and the
Salvation Army.

1st Reading

2nd Reading

3rd Reading

MR. THORNBERRY

(*Private Bill*)

No. 13

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

**An Act respecting Mount Hamilton Branch of the Canadian Legion
and the Salvation Army.**

MR. THORNBERRY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting Mount Hamilton Branch of the Canadian Legion and the Salvation Army.

WHEREAS the Mount Hamilton Branch of the Canadian Legion of the British Empire Service League and the Commissioner of the Governing Council of the Salvation Army of Canada East by their petition have represented that certain lands and premises in the City of Hamilton in the County of Wentworth, known as Municipal Number 570 Concession Street, Hamilton, now held by the said Commissioner in trust for the use of all denominations of Christians professing the Protestant Faith, are no longer used for such trust and are no longer necessary or desirable for such trust and can be used in the best interest of the public by the said branch of the Canadian Legion for the patriotic and philanthropic objects contained in the constitution of the Canadian Legion; and whereas the petitioners have prayed for legislation validating an agreement for sale of the said lands and premises dated the 30th day of November, 1948, and permitting the said Commissioner or his successor in office to convey the said lands and premises, free of all the trusts contained in Indenture dated the 23rd day of June, 1860, and registered as Number D234 in the registry office for the Registry Division of Wentworth in Book for the Township of Barton, to the Trustees of the said branch of the Canadian Legion; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Agreement set forth in the Schedule to this Act is validated and confirmed and declared to be legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, and the said Commissioner or his successor in office is hereby authorized and empowered to do all acts, matters and things as may be deemed necessary by the said Commissioner and the Trustees of the Mount Hamilton Branch of the Canadian Legion of the British Empire Service League for the full and proper carrying out of the provisions of the Agreement.

Agreement
validated.

Sale of
lands
authorized.

(2) The said Commissioner or his successor in office is hereby authorized to sell pursuant to the terms of the said agreement, to the Trustees of the Mount Hamilton Branch of the Canadian Legion of the British Empire Service League free from the aforesaid trusts, the lands and premises described as all and singular that certain parcel or tract of land and premises situate lying and being composed of the north-east angle of Park Lot Number One in Block D. of a survey of Park Lots made for Edward and John F. Moore by Thomas Allan Blythe, P.L.S., and called Mountsville, and being part of Lot Number Ten in the Fourth Concession of the Township of Barton, and which piece of land extends along Mountain Street fifty feet, and runs back at right angles to a distance of eighty feet, which property is commonly known as 570 Concession Street, Mount Hamilton, and the said Trustees shall hold the said lands and premises for the patriotic and philanthropic purposes and objects contained in the constitution of the Canadian Legion of the British Empire Service League.

Commence-
ment of Act.

2.—This Act shall come in force on the day it receives the Royal Assent.

Short title.

3.—This Act may be cited as *The Mount Hamilton Branch of the Canadian Legion of the British Empire Service League Act, 1950*.

SCHEDULE

AGREEMENT made this 30th day of November, in the year of our Lord one thousand nine hundred and forty-eight,

BETWEEN:

COMMISSIONER CHARLES BAUGH, the successor in office of Commissioner Charles Sowton of the Governing Council of the Salvation Army of Canada East, Trustee, hereinafter called the "Vendor",

OF THE ONE PART,

—and—

GEORGE T. INCH, CHARLES L. TAYLOR, SYDNEY KEETON, GEORGE JURY and JOHN FISH, Trustees of Mount Hamilton Branch Canadian Legion of the British Empire Service League, hereinafter called the "Purchasers",

OF THE OTHER PART.

WHEREAS by an Indenture dated the 23rd day of June, 1860, Frederick Bray of the City of Hamilton, conveyed the lands and premises hereinafter described to Adam Cook, John Hood Greer, Alexander C. Glen, William B. Greene, William Parsons, Christian Sorenson, and William Buckingham, and their successors, as trustees, for erecting a Church or Mission Meeting House, for the use of all denominations of Christians professing the Protestant Faith;

AND WHEREAS the said Indenture provided that the said trustees and their successors in office should have and hold the said lands and premises for the said use of all denominations of Christians professing the Protestant Faith;

AND WHEREAS by virtue of a Vesting Order bearing the date of January 21, 1926, and made by The Honourable Mr. Justice Logie in the Supreme Court of Ontario, it was ordered that Wilson A. Crockett, Charles Brayley, R. Hunt, William Widdicombe, Edward Hunt and Benjamin Hunt be permitted to retire from the trusteeship of the said trust property under the said Indenture of Trust dated the 23rd day of June, 1860, and registered in the Registry Office for the Registry Division of Wentworth, in Book for the Township of Barton, as No. D234, upon their each passing their accounts as trustees before the Local Master of the said Court at Hamilton;

AND WHEREAS by virtue of the said Order it was also ordered that upon the said Wilson A. Crockett, Charles Brayley, R. Hunt, William Widdicombe, Edward Hunt and Benjamin Hunt having each duly passed their accounts as aforesaid, and upon having paid over and assigned and transferred all the balances of the assets of the said Trust Estate found in their hands respectively, they be and they were thereby relieved and discharged of and from all liability whatsoever arising from or in any way connected with their respective dealings as trustees with the said Trust Property under said Indenture of Trust registered as No. D234 as aforesaid;

AND WHEREAS by virtue of the said Order it was also ordered that Commissioner Sowton of the Governing Council of the Salvation Army of Canada East and his successors in office from time to time be and he was thereby appointed sole trustee under the above referred to Trust Deed in the place and stead of the said Wilson A. Crockett, Charles Brayley, R. Hunt, William Widdicombe, Edward Hunt and Benjamin Hunt, and that the lands described therein, namely:

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being composed of the northeast angle of Park Lot Number One in Block D, of a Survey of Park Lots made for Edward and John F. Moore by Thomas Allan Blythe, P.L.S., and called

MOUNTSVILLE, and being a part of Lot Number Ten in the Fourth Concession of the Township of Barton, and which piece of land extends along Mountain Street Fifty feet, and runs back at right angles to a distance of Eighty feet, which property is commonly known as 570 Concession Street, Mount Hamilton,

be and the same was thereby vested in the said Charles Sowton and his successors in office for all the trusts under the Indenture of Trust registered as No. D234 as aforesaid;

AND WHEREAS by virtue of the said Order it was also ordered That the Salvation Army be allowed to occupy the said Trust Property hereinbefore more particularly described in the preceding paragraph, free of rent, subject only to the payment of any Municipal rates and charges that might be assessed thereon from the First day of January 1926, and subject to the terms of the original Trust Deed referred to in the said Order;

AND WHEREAS the district referred to as Mount Hamilton has developed since the date of the said Indenture and since the date of the said Order, into a large community and is now served by many Protestant Churches and by a Citadel of the Salvation Army, and in the opinion of the Vendor, the need for the said lands and premises as a Church or Mission Meeting House for the use of all denominations of Christians professing the Protestant Faith no longer exists;

AND WHEREAS the said lands and premises have not been used adequately for the purposes of the Trust for a period of years, and in the opinion of the Vendor, it is desirable that the said lands and premises be used by some other philanthropic organization with Christian ideals, and the best interests of the public and the citizens of Mount Hamilton would be served thereby;

AND WHEREAS the trustees of the Mount Hamilton Branch Canadian Legion of the British Empire Service League have applied to the Vendor for permission to hold, use and enjoy, and have conveyed to them the said lands and premises, free of the said Trusts and for the purposes and objects of the said Canadian Legion;

AND WHEREAS the purposes and objects of the Canadian Legion of the British Empire Service League are as follows:

- (a) To bring about the unity of all who have served in His Majesty's Navy, Army, Air Force or any Auxiliary Force;
- (b) To further among them the spirit of comradeship and mutual help, and the close and kindly ties of active service;
- (c) To preserve the records and memories of their services, and to see that their services generally shall not be forgotten by the Nation, and (that) due attention shall be paid to their welfare and that of their dependants;
- (d) To perpetuate the memory and needs of the fallen and of those who die in the future; and to promote and care for memorials to their valour and sacrifice; to provide suitable burial; and to keep an annual Memorial Day;
- (e) To see to the maintenance and comfort of those who require special treatment, of the disabled, sick, aged and needy; and to promote the welfare of the women, children and others their dependants;
- (f) To educate public opinion regarding national duties to the dead, the disabled, and others who have served, and their dependants;
- (g) To foster loyalty among the public and education in the principles of patriotism, duty and unstinted public service;
- (h) To support suitable undertakings for the training, employment and settlement of ex-service men and women, and the education of their children;

- (i) To preserve their statutory, acquired and legitimate rights, and those of their dependants; and in so doing to offer the Legion's co-operation to those officially charged with the responsibility of administering such rights by Federal or other governments;
- (j) To pass on to their families and descendants the traditions for which they stand;
- (k) To assist comrades now serving, especially in connection with their return to civil life, and to safeguard the interests of their dependants whilst they are in service;
- (l) To assist ex-service men to secure not less than the recognized standard rates of wages, in accordance with their ability;
- (m) To secure adequate pensions, allowances, grants and war gratuities for ex-service men and women, their dependants, and the widows, children and dependants of those who are dead, and to labour for honourable provision being made for those who, in declining years are unable to support themselves;
- (n) To co-operate with Empire and allied associations of similar aims and objects;
- (o) To establish, organize and regulate provincial, district and local bodies, or Commands and Branches, in convenient centres throughout Canada and elsewhere;
- (p) To establish, organize and regulate provincial, district and local bodies of women for the purpose of assisting The Legion in seeing to the maintenance and comfort of disabled, sick, aged and needy ex-service men and women and their dependants, and to co-operate with the Legion in the promotion and carrying out of all the aims and objects of The Legion. Such groups to be known as the Ladies' Auxiliaries of The Canadian Legion of the British Empire Service League;
- (q) To acquire and hold such property in the nature of club rooms, canteens, hospitals, rest homes, offices, equipment of all kinds and material, as may be necessary for the administration of The Legion and its authorized Provincial and District Commands, Branches, and Ladies Auxiliaries, in pursuit of the aims and objects of The Legion as herein described;
- (r) To raise and co-ordinate funds for assisting those mentioned in the preceding paragraphs, to provide for the administration of The Legion and its authorized Provincial and District Commands, Branches and Ladies' Auxiliaries, and to see that these and other funds raised for such purposes are applied to those purposes and none other.

AND WHEREAS at a meeting of the Mount Hamilton Branch Canadian Legion of the British Empire Service League a resolution duly made and seconded and passed, provides that no beer, wine, or other intoxicating drink shall be sold or consumed on the said lands and premises;

NOW THIS INDENTURE WITNESSETH that in consideration of the sum of One Dollar now paid by the purchasers to the vendor, the receipt whereof is hereby by him acknowledged, the vendor agrees to sell and convey to the purchasers, and the purchasers agree to purchase from the vendor,

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being composed of the northeast angle of Park Lot Number One in Block D, of a Survey of Park Lots made for Edward and John F. Moore by Thomas Allan Blythe, P.L.S., and called MOUNTSVILLE, and being part of Lot Number Ten in the Fourth Concession of the Township of Barton, and which piece of land extends along Mountain Street

Fifty feet, and runs back at right angles to a distance of eighty feet, which property is commonly known as 570 Concession Street, Mount Hamilton, for the sum of One dollar.

The said lands and premises shall be conveyed to the said purchasers as Trustees of the Mount Hamilton Branch Canadian Legion of the British Empire Service League and their successors in office in trust for the said purposes and objects of The Canadian Legion of the British Empire Service League, and the said conveyance thereof from the vendor to the purchasers shall contain a Covenant that the trustees shall not permit the sale or consumption on the said lands and premises of beer, wine, or other intoxicating drink.

This agreement shall be effective only as and from the time when the Legislature of the Province of Ontario passes Legislation,—

- (a) Validating this Agreement;
- (b) Permitting the vendor to convey the said lands free of all the said trusts contained in Indenture dated the 23rd day of June, 1860, and registered as Number D234, to the purchasers.

The Parties hereto agree effective as of the date of execution hereof, to join in applying to the said Legislature for the passing of the Legislation contemplated by the last preceding paragraph.

This Agreement and the provisions herein contained shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their signatures.

SIGNED, SEALED AND DELIVERED

In the presence of,

F. BRYANT,
15 Salem Ave.,
Hamilton.

JAS. MERRITT.

(Seal)
(Seal)
(Seal)
(Seal)
(Seal)
(Seal)

C. L. TAYLOR,
G. W. JURY,
JOHN FISH,
G. T. INCH,
SYDNEY KEETON,
CHAS. BAUGH.



BILL

An Act respecting Mount Hamilton Branch
of the Canadian Legion and the
Salvation Army.

1st Reading

February 28th, 1950

2nd Reading

March 8th, 1950

3rd Reading

March 13th, 1950

MR. THORNBERY

No. 14

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Village of Long Branch.

MR. MILLARD

(PRIVATE BILL)



BILL

An Act respecting the Village of Long Branch.

WHEREAS the Corporation of the Village of Long Branch by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subject to the approval of the Ontario Municipal Board, by-laws may be passed by the council of the Village of Long Branch for providing pensions for the employees of the village or any board thereof, or any class of employees, and their wives and children. Power to establish pension scheme.

(2) In this section, "board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or other local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the municipality or any portion thereof. "Board" defined.

(3) Subsection 1 of section 307 of *The Municipal Act* shall not apply to any by-law passed under this section or any debt incurred thereby. Rev. Stat., c. 266, s. 307, subs. 1 not to apply.

2.—(1) The Village of Long Branch is hereby erected into a town under the name of the Town of Long Branch and the corporation known as the Corporation of the Village of Long Branch is hereby continued under the name of the Corporation of the Town of Long Branch. Village erected into a town.

(2) The erection of the village into a town shall be effective on the 15th day of December, 1950. Effective date.

Division
into wards.

3.—(1) The council of the Village of Long Branch may, subject to the approval of the Ontario Municipal Board, by by-law divide the Village into three wards to be numbered one to three for the purposes of the new Town, with such boundaries as the council may deem expedient and as may be designated in the by-law.

Wards to be
established
for 1951
election.

(2) A by-law under subsection 1 shall be passed not later than the 1st day of October, 1950, and shall take effect at and for the purposes of the annual election of council for the year 1951.

Composition
of council.
Rev. Stat.,
c. 266.

4.—(1) Unless hereafter changed under *The Municipal Act*, the council of the Town shall consist of a mayor, reeve, deputy reeve and four councillors, all to be elected by general vote.

1951
election.

(2) The election of the council for the Town for the year 1951 shall be held at the time and in the manner heretofore provided for the election of the council of the Village.

Application
of Rev. Stat.,
c. 266.

5. Except as otherwise provided herein, all the provisions of *The Municipal Act* consequent on the formation of new corporations and all other provisions of that Act applicable to towns shall apply to the Town in the same manner as if the Village had been erected into the Town under that Act.

Commence-
ment of Act.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Village of Long Branch Act, 1950*.



BILL

An Act respecting the Village of
Long Branch.

1st Reading

2nd Reading

3rd Reading

MR. MILLARD

(*Private Bill*)

No. 14

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Village of Long Branch.

MR. MILLARD

(Reprinted as amended by the Committee on Private Bills.)



No. 14

1950

BILL

An Act respecting the Village of Long Branch.

WHEREAS the Corporation of the Village of Long Branch by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subject to the approval of the Ontario Municipal Board, by-laws may be passed by the council of the Village of Long Branch for providing pensions for the employees of the village or any board thereof, or any class of employees, and their wives and children. Power to establish pension scheme.

(2) In this section, "board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or other local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the municipality or any portion thereof. "Board" defined.

(3) Subsection 1 of section 307 of *The Municipal Act* shall not apply to any by-law passed under this section or any debt incurred thereby. Rev. Stat., c. 266, s. 307, subs. 1 not to apply.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Village of Long Branch Act, 1950*. Short title.

BILL

An Act respecting the Village of
Long Branch.

1st Reading

February 28th, 1950

2nd Reading

3rd Reading

MR. MILLARD

(*Reprinted as amended by the Committee on
Private Bills.*)

No. 14

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Village of Long Branch.

MR. MILLARD

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Village of Long Branch.

WHEREAS the Corporation of the Village of Long Branch by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subject to the approval of the Ontario Municipal Board, by-laws may be passed by the council of the Village of Long Branch for providing pensions for the employees of the village or any board thereof, or any class of employees, and their wives and children. Power to establish pension scheme.

(2) In this section, "board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or other local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the municipality or any portion thereof. "Board" defined.

(3) Subsection 1 of section 307 of *The Municipal Act* shall not apply to any by-law passed under this section or any debt incurred thereby. Rev. Stat., c. 266, s. 307, subs. 1 not to apply.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Village of Long Branch Act, 1950*. Short title.

BILL

An Act respecting the Village of
Long Branch.

1st Reading

February 28th, 1950

2nd Reading

March 22nd, 1950

3rd Reading

March 24th, 1950

MR. MILLARD

No. 15

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Welland.

MR. WALKER

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the City of Welland.

WHEREAS the Corporation of the City of Welland Preamble.
by its petition has prayed for special legislation to
confirm a certain order of the Ontario Municipal Board,
annexing a part of the Township of Crowland to the City of
Welland; and whereas it is expedient to grant the prayer of
the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Order P.F. B-9237 of the Ontario Municipal Board Annexation
order
dated the 27th day of September, 1949, set out as the Schedule confirmed.
hereto, is hereby confirmed.

(2) Notwithstanding anything therein contained, the said Effective
date.
Order shall come into force on the 1st day of January, 1951.

2. This Act shall come into force on the day it receives the Commence-
ment of Act.
Royal Assent.

3. This Act may be cited as *The City of Welland Act, 1950.* Short title.

SCHEDULE

P.F. B-9237

THE ONTARIO MUNICIPAL BOARD

Tuesday, the Twenty-seventh day of September, A.D. 1949.

BEFORE:

R. S. COLTER, K.C.,
Chairman, and

R. C. ROWLAND,
Member.

IN THE MATTER OF Section 23 of
"The Municipal Act" (R.S.O.
1937, Chapter 266) as re-enacted
by O.S. 1939, Chapter 30, Section
2, amended by O.S. 1946, Chapter
60, Section 3 (2), re-enacted in
part O.S. 1947, Chapter 69, Sec-
tion 2, and amended by O.S. 1949
Chapter 61, Section 1, and

IN THE MATTER OF an application
by the Corporation of the City of
Welland for annexation thereto of
part of the Township of Crowland
described in Schedule "A"
attached hereto.

UPON THE APPLICATION OF the Corporation of the City of Welland in the presence of Counsel for the applicant, Counsel for the Corporation of the Township of Crowland, Counsel for the Corporation of the County of Welland, and of a number of interested property owners and residents of the Township of Crowland who appeared in person, upon reading By-law No. 1848 of the Corporation of the City of Welland filed with the Board authorizing this application, and upon hearing evidence adduced at a public hearing held in the City of Welland on the 28th day of October, 1948, pursuant to Notice given in accordance with the Direction of the Board, and upon hearing what was alleged by Counsel aforesaid and by the aforesaid property owners and residents.

1. THE BOARD ORDERS under and in pursuance of Section 23 of *The Municipal Act* as amended aforesaid that that part of the Township of Crowland described in Schedule "A" hereto be and the same is hereby annexed to the City of Welland.

2. THAT all rights, title and interests of the Corporation of the Township of Crowland in any of the lands described in the said schedule hereto annexed including all roads and streets, and allowances therefor, shall vest, from and after the 2nd day of January, 1950, in the Corporation of the City of Welland.

3. THAT the Corporations of the City of Welland, the Township of Crowland and the County of Welland shall be entitled to and shall be bound to make an adjustment of assets and liabilities pursuant to Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act* which shall apply as between the Municipalities and School Sections affected by this Order, and in the event of the parties hereto not being able to agree upon the adjustment of the assets and liabilities then all such questions of adjustment may be referred to the Judge of the County Court of the County of Welland or such person or persons as the Board may appoint who shall make inquiry and report to this Board upon the adjustment of assets and liabilities and all rights, claims liabilities and obligations referred to in Section 23 of the said *Municipal Act* as amended.

4. THE BOARD FURTHER ORDERS that unless an objection is filed with

the Board pursuant to Section 23 of the said Municipal Act, as amended (and is not withdrawn) this Order shall come into effect on the 2nd day of January, 1950.

(Seal)

W. P. NEAR,
Vice-Chairman.

THE ONTARIO MUNICIPAL BOARD

Schedule "A"

To The Ontario Municipal Board's Order of the Twenty-seventh day of September, A.D. 1949.

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the Township of Crowland, in the County of Welland, and Province of Ontario, being composed of:

Lots numbers 21 and 22 in the 5th Concession, Lots 22 and 21 in the 4th Concession, Lots 23, 22, 21 in the 3rd Concession and those parts of Lots numbers 21, 22 and 23 in the 6th Concession lying north of the Michigan Central Railway to Niagara Falls in the Township of Crowland.



BILL

An Act respecting the City of Welland.

1st Reading

2nd Reading

3rd Reading

MR. WALKER

(Private Bill)

No. 16

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Windsor.

MR. ELLIS

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the City of Windsor.

WHEREAS the Corporation of the City of Windsor by Preamble.
its petition has prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 10 of *The City of Windsor Act, 1946* is repealed 1946,
c. 145, s. 10,
re-enacted.
and the following substituted therefor:

10.—(1) In this section,

Interpre-
tation.

(a) "City Council" means the council of the
Corporation of the City of Windsor;

(b) "County Council" means the council of the
Corporation of the County of Essex;

(c) "Governor" means a member of the Board of
Governors of the Metropolitan General Hos-
pital; and

(d) "Hospital" means the Metropolitan General
Hospital in the City of Windsor.

(2) From and after the 1st day of May, 1950, the manage- Manage-
ment, control and maintenance of the Hospital and
the custody of all real and personal property belong-
ing to or used in connection therewith shall be vested
in a board of not less than nine and not more than
eleven Governors.

(3) The Board of Governors shall be composed of,

Constitu-
tion of
Board of
Governors.

(a) four governors to be appointed by the City
Council of whom,

- (i) two shall be members of that Council, other than the Mayor,
- (ii) two shall be resident ratepayers of the City, other than members of the City Council;
- (b) one governor to be appointed by the County Council who may be a member of that Council, other than the Warden;
- (c) one governor to be appointed by the medical staff of the Hospital, who shall be a member of the medical staff, other than the President;
- (d) one governor to be appointed by the Metropolitan General Hospital Aid Society; and
- (e) two additional governors to be appointed by the governors appointed under clauses *a* to *d*.

Term of
office.

- (4) Subject to subsection 5, the term of office of the governors first appointed after this section comes into force under the provisions of subsection 3 shall expire on the following dates:

Subclause i of clause *a* Dec. 31st, 1952
 Subclause ii of clause *a* Dec. 31st, 1951
 Clause *c* Dec. 31st, 1952
 Clause *d* Dec. 31st, 1951
 Clauses *b* and *e* Dec. 31st, 1950

and the term of office of all governors appointed or elected after such first appointments shall be three years.

Idem.

- (5) All governors shall remain in office until their successors are appointed or elected, but no governor shall hold office for longer than six consecutive years; any governor in office for six consecutive years shall be eligible for re-appointment or re-election after the lapse of one year.

Termination
of office.

- (6) Notwithstanding any other provision of this section, a governor appointed,
- (a) by the City Council under subclause i of clause *a* of subsection 3 shall cease to hold office when he ceases to be a member of the City Council;
 - (b) by the medical staff under clause *c* of subsection 3 shall cease to hold office when he ceases to be a member of the medical staff of the hospital;

- (c) by the governors under clause e of subsection 3 shall cease to hold office when a Benefactors' and Subscribers' Association has been established and has elected members.

- (7) The County Council shall make its first appointment ^{Times for first appointments.} to the Board prior to the 1st day of July, 1950, and all other first appointments to the Board pursuant to this section shall be made within one month after this section comes into force, and the reorganized Board shall take office on the 1st day of May, 1950, notwithstanding that the County Council appointment has not then been made. After the year 1950 all appointments shall be made in the month of January.
- (8) Any member of the Board of Governors who is ^{Absence from meetings.} absent from four consecutive regular meetings of the Board, shall cease to be a member thereof, unless he has obtained leave of absence from the Board.
- (9) Whenever, from any cause, the office of a governor ^{Vacancies.} becomes vacant, a successor shall be appointed or elected as the case may be, without unnecessary delay, and the person so appointed or elected shall hold office for the remainder of the term of the governor who vacated his office.
- (10) Five members shall constitute a quorum of the ^{Quorum.} Board of Governors.
- (11) The Board of Governors may by by-law from time ^{Elected governors.} to time provide for the election of not less than two and not more than four additional persons as members of the Board by benefactors of and subscribers to the funds of the Hospital, and the Board may prescribe the qualifications of such benefactors and subscribers, and the time, place and procedure of their meetings to be held for the purpose of such election.

2.—(1) The purchase by the Corporation of the Town of Sandwich from Arthur James Bolton, by deed dated the 1st day of December, 1925, and registered in the registry office for the Registry Division of the East and West Riding of the County of York on the 8th day of February, 1926, as Number 6584, of the following lands: ^{Purchase of certain lands confirmed.}

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Township of North York in the County of York in the Province of Ontario, being composed of Lot Number 67 on the south side of Hollywood Avenue, according to Registered Plan 1801,

is hereby ratified and confirmed and declared to have been legal, valid and binding upon the Corporation of the Town of Sandwich and the ratepayers thereof, and the title to the said land shall be deemed thereby to have been vested in fee simple in the Corporation of the Town of Sandwich.

Power to
hold lands.
1935, c. 74.

(2) The Corporation of the Town of Sandwich and, by virtue of section 20 of *The City of Windsor (Amalgamation) Act, 1935*, the City of Windsor, shall be deemed to have had the power to hold the said lands until the 19th day of October, 1945.

Subsequent
sale con-
firmed.

(3) The conveyance of the said lands by the Corporation of the City of Windsor to Arthur Burton Collins and Helen Isobel Collins by deed dated the 19th day of October, 1945 and registered in the said Registry Office on the 26th day of August, 1946, as Number 50681, is hereby ratified and confirmed and declared to have been legal, valid and binding upon the Corporation of the City of Windsor and the ratepayers thereof, and shall be deemed to have vested the said lands in fee simple in the said Arthur Burton Collins and Helen Isobel Collins as joint tenants.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of Windsor Act, 1950*.

BILL

An Act respecting the City of Windsor.

1st Reading

2nd Reading

3rd Reading

MR. ELLIS

(*Private Bill*)

No. 16

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Windsor.

MR. ELLIS

(Reprinted as amended by the Committee on Private Bills.)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the City of Windsor.

WHEREAS the Corporation of the City of Windsor by Preamble.
its petition has prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 10 of *The City of Windsor Act, 1946* is repealed ^{1946,}
and the following substituted therefor: ^{c. 145, s. 10,}
^{re-enacted.}

10.—(1) In this section,

Interpre-
tation.

(a) "City Council" means the council of the
Corporation of the City of Windsor;

(b) "County Council" means the council of the
Corporation of the County of Essex;

(c) "Governor" means a member of the Board of
Governors of the Metropolitan General Hos-
pital; and

(d) "Hospital" means the Metropolitan General
Hospital in the City of Windsor.

(2) From and after the 1st day of May, 1950, the manage-
ment, control and maintenance of the Hospital and ^{Manage-}
the custody of all real and personal property belong- ^{ment, etc.,}
ing to or used in connection therewith shall be vested ^{of Hospital.}
in a board of not less than nine and not more than
eleven Governors.

(3) The Board of Governors shall be composed of,

Constitu-
tion of
Board of
Governors.

(a) four governors to be appointed by the City
Council of whom,

(i) two shall be members of that Council, other than the Mayor,

(ii) two shall be resident ratepayers of the City, other than members of the City Council;

(b) one governor to be appointed by the County Council who may be a member of that Council, other than the Warden;

(c) one governor who shall be the member of the medical staff prescribed by the regulations under *The Public Hospitals Act*;

(d) one governor to be appointed by the Metropolitan General Hospital Aid Society; and

(e) two additional governors to be appointed by the governors appointed under clauses *a* to *d*.

Rev. Stat.,
c. 390.

Term of
office.

(4) Subject to subsection 5, the term of office of the governors first appointed after this section comes into force under the provisions of clauses *a*, *b*, *d* and *e* of subsection 3 shall expire on the following dates:

Subclause i of clause *a* Dec. 31st, 1952

Subclause ii of clause *a* Dec. 31st, 1951

Clause *d* Dec. 31st, 1951

Clauses *b* and *e* Dec. 31st, 1950

and the term of office of all governors so appointed or elected after such first appointments shall be three years.

Idem.

(5) All governors shall remain in office until their successors are appointed or elected, but no governor shall hold office for longer than six consecutive years; any governor in office for six consecutive years shall be eligible for re-appointment or re-election after the lapse of one year.

Termination
of office.

(6) Notwithstanding any other provision of this section, a governor appointed,

(a) by the City Council under subclause i of clause *a* of subsection 3 shall cease to hold office when he ceases to be a member of the City Council;

- (b) by the governors under clause e of subsection 3 shall cease to hold office when a Benefactors' and Subscribers' Association has been established and has elected members.
- (7) The County Council shall make its first appointment to the Board prior to the 1st day of July, 1950, and all other first appointments to the Board pursuant to this section shall be made within one month after this section comes into force, and the reorganized Board shall take office on the 1st day of May, 1950, notwithstanding that the County Council appointment has not then been made. After the year 1950 all appointments shall be made in the month of January. Times for first appointments.
- (8) Any member of the Board of Governors who is absent from four consecutive regular meetings of the Board, shall cease to be a member thereof, unless he has obtained leave of absence from the Board. Absence from meetings.
- (9) Whenever, from any cause, the office of a governor becomes vacant, a successor shall be appointed or elected as the case may be, without unnecessary delay, and the person so appointed or elected shall hold office for the remainder of the term of the governor who vacated his office. Vacancies.
- (10) Five members shall constitute a quorum of the Board of Governors. Quorum.
- (11) The Board of Governors may by by-law from time to time provide for the election of not less than two and not more than four additional persons as members of the Board by benefactors of and subscribers to the funds of the Hospital, and the Board may prescribe the qualifications of such benefactors and subscribers, and the time, place and procedure of their meetings to be held for the purpose of such election. Elected governors.
- 2.—**(1) The purchase by the Corporation of the Town of Sandwich from Arthur James Bolton, by deed dated the 1st day of December, 1925, and registered in the registry office for the Registry Division of the East and West Riding of the County of York on the 8th day of February, 1926, as Number 6584, of the following lands: Purchase of certain lands confirmed.

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Township of North York in the County of York in the Province of Ontario, being composed of Lot Number 67 on the south side of Hollywood Avenue, according to Registered Plan 1801,

is hereby ratified and confirmed and declared to have been legal, valid and binding upon the Corporation of the Town of Sandwich and the ratepayers thereof, and the title to the said land shall be deemed thereby to have been vested in fee simple in the Corporation of the Town of Sandwich.

Power to
hold lands.
1935, c. 74.

(2) The Corporation of the Town of Sandwich and, by virtue of section 20 of *The City of Windsor (Amalgamation) Act, 1935*, the City of Windsor, shall be deemed to have had the power to hold the said lands until the 19th day of October, 1945.

Subsequent
sale con-
firmed.

(3) The conveyance of the said lands by the Corporation of the City of Windsor to Arthur Burton Collins and Helen Isobel Collins by deed dated the 19th day of October, 1945 and registered in the said Registry Office on the 26th day of August, 1946, as Number 50681, is hereby ratified and confirmed and declared to have been legal, valid and binding upon the Corporation of the City of Windsor and the ratepayers thereof, and shall be deemed to have vested the said lands in fee simple in the said Arthur Burton Collins and Helen Isobel Collins as joint tenants.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of Windsor Act, 1950*.

BILL

An Act respecting the City of Windsor.

1st Reading

March 1st, 1950

2nd Reading

3rd Reading

MR. ELLIS

*(Reprinted as amended by the Committee on
Private Bills.)*

No. 16

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Windsor.

MR. ELLIS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 16

1950

BILL

An Act respecting the City of Windsor.

WHEREAS the Corporation of the City of Windsor by Preamble.
its petition has prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 10 of *The City of Windsor Act, 1946* is repealed 1946,
c. 145, s. 10,
re-enacted.
and the following substituted therefor:

10.—(1) In this section,

Interpre-
tation.

(a) "City Council" means the council of the
Corporation of the City of Windsor;

(b) "County Council" means the council of the
Corporation of the County of Essex;

(c) "Governor" means a member of the Board of
Governors of the Metropolitan General Hos-
pital; and

(d) "Hospital" means the Metropolitan General
Hospital in the City of Windsor.

(2) From and after the 1st day of May, 1950, the manage- Manage-
ment, etc.,
of Hospital.
ment, control and maintenance of the Hospital and
the custody of all real and personal property belong-
ing to or used in connection therewith shall be vested
in a board of not less than nine and not more than
eleven Governors.

(3) The Board of Governors shall be composed of,

Constitu-
tion of
Board of
Governors.

(a) four governors to be appointed by the City
Council of whom,

(i) two shall be members of that Council, other than the Mayor,

(ii) two shall be resident ratepayers of the City, other than members of the City Council;

(b) one governor to be appointed by the County Council who may be a member of that Council, other than the Warden;

(c) one governor who shall be the member of the medical staff prescribed by the regulations under *The Public Hospitals Act*;

(d) one governor to be appointed by the Metropolitan General Hospital Aid Society; and

(e) two additional governors to be appointed by the governors appointed under clauses *a* to *d*.

Rev. Stat.,
c. 330.

Term of
office.

(4) Subject to subsection 5, the term of office of the governors first appointed after this section comes into force under the provisions of clauses *a*, *b*, *d* and *e* of subsection 3 shall expire on the following dates:

Subclause i of clause *a* Dec. 31st, 1952

Subclause ii of clause *a* Dec. 31st, 1951

Clause *d* Dec. 31st, 1951

Clauses *b* and *e* Dec. 31st, 1950

and the term of office of all governors so appointed or elected after such first appointments shall be three years.

Idem.

(5) All governors shall remain in office until their successors are appointed or elected, but no governor shall hold office for longer than six consecutive years; any governor in office for six consecutive years shall be eligible for re-appointment or re-election after the lapse of one year.

Termination
of office.

(6) Notwithstanding any other provision of this section, a governor appointed,

(a) by the City Council under subclause i of clause *a* of subsection 3 shall cease to hold office when he ceases to be a member of the City Council;

- (b) by the governors under clause e of subsection 3 shall cease to hold office when a Benefactors' and Subscribers' Association has been established and has elected members.
- (7) The County Council shall make its first appointment to the Board prior to the 1st day of July, 1950, and all other first appointments to the Board pursuant to this section shall be made within one month after this section comes into force, and the reorganized Board shall take office on the 1st day of May, 1950, notwithstanding that the County Council appointment has not then been made. After the year 1950 all appointments shall be made in the month of January. Times for first appointments.
- (8) Any member of the Board of Governors who is absent from four consecutive regular meetings of the Board, shall cease to be a member thereof, unless he has obtained leave of absence from the Board. Absence from meetings.
- (9) Whenever, from any cause, the office of a governor becomes vacant, a successor shall be appointed or elected as the case may be, without unnecessary delay, and the person so appointed or elected shall hold office for the remainder of the term of the governor who vacated his office. Vacancies.
- (10) Five members shall constitute a quorum of the Board of Governors. Quorum.
- (11) The Board of Governors may by by-law from time to time provide for the election of not less than two and not more than four additional persons as members of the Board by benefactors of and subscribers to the funds of the Hospital, and the Board may prescribe the qualifications of such benefactors and subscribers, and the time, place and procedure of their meetings to be held for the purpose of such election. Elected governors.

2.—(1) The purchase by the Corporation of the Town of Sandwich from Arthur James Bolton, by deed dated the 1st day of December, 1925, and registered in the registry office for the Registry Division of the East and West Riding of the County of York on the 8th day of February, 1926, as Number 6584, of the following lands: Purchase of certain lands confirmed.

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Township of North York in the County of York in the Province of Ontario, being composed of Lot Number 67 on the south side of Hollywood Avenue, according to Registered Plan 1801,

is hereby ratified and confirmed and declared to have been legal, valid and binding upon the Corporation of the Town of Sandwich and the ratepayers thereof, and the title to the said land shall be deemed thereby to have been vested in fee simple in the Corporation of the Town of Sandwich.

Power to
hold lands.
1935, c. 74.

(2) The Corporation of the Town of Sandwich and, by virtue of section 20 of *The City of Windsor (Amalgamation) Act, 1935*, the City of Windsor, shall be deemed to have had the power to hold the said lands until the 19th day of October, 1945.

Subsequent
sale con-
firmed.

(3) The conveyance of the said lands by the Corporation of the City of Windsor to Arthur Burton Collins and Helen Isobel Collins by deed dated the 19th day of October, 1945 and registered in the said Registry Office on the 26th day of August, 1946, as Number 50681, is hereby ratified and confirmed and declared to have been legal, valid and binding upon the Corporation of the City of Windsor and the ratepayers thereof, and shall be deemed to have vested the said lands in fee simple in the said Arthur Burton Collins and Helen Isobel Collins as joint tenants.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of Windsor Act, 1950*.

An Act respecting the City of Windsor.

1st Reading

March 1st, 1950

2nd Reading

March 20th, 1950

3rd Reading

March 23rd, 1950

MR. ELLIS

No. 17

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Toronto.

MR. REA

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 17

1950

BILL

An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto by Preamble.
its petition has prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The council of the Corporation may grant or pay, in Authority
respect of retired employees of the fire department, medical to pay
and hospital expenses arising out of injuries incurred by such medical
employees during the performance of their duties. expenses
of retired
firemen.

2.—(1) Subsection 1 of section 10 of *The City of Toronto* 1949,
Act, 1949 is amended by striking out the words “except C. 142, s. 10,
private dwellings” in the third line, so that the subsection, subs. 1,
exclusive of the clauses, shall read as follows: amended.

(1) The council of the Corporation may pass by-laws By-law to
for requiring the owners and occupants of lands, control
buildings and structures to maintain such lands, rodents
buildings and structures in a rodent-free condition; authorized.
and for that purpose the by-law may provide,—

.

(2) Subsection 2 of the said section 10 is amended by 1949,
striking out the words “except private dwellings” in the C. 142, s. 10,
fifth line, so that the subsection shall read as follows: subs. 2,
amended.

(2) The medical officer of health, any member of the local Inspection
board of health, and any inspector or other person of premises.
acting under the instructions of any of them, may
enter, inspect and examine, as often as he thinks
necessary, any lands, buildings or structures within
the municipality, for the purpose of enforcing the
provisions of a by-law passed under this section and

for the purpose of ascertaining whether the owner or occupant has complied with any order made pursuant to such by-law, and any person in charge of such premises for the time being shall render such aid to the medical officer of health or other person as may be necessary.

Authority
to use
surplus
funds to
provide
accommoda-
tion for
street
cleaning
department.
1932, c. 93.

3. The surplus funds remaining from debentures issued to raise money required to construct a refuse disposal plant pursuant to section 12 of *The City of Toronto Act, 1932* may be applied toward the cost of enlarging the Central Garage at Dundas and Munro Streets in the City of Toronto to provide office accommodation for the street cleaning department.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The City of Toronto Act, 1950*.



An Act respecting the City of Toronto.

1st Reading

2nd Reading

3rd Reading

MR. REA

(*Private Bill*)

No. 17

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Toronto.

MR. REA

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto by Preamble.
its petition has prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The council of the Corporation may grant or pay, in Authority to pay medical expenses of retired firemen.
respect of retired employees of the fire department, medical
and hospital expenses arising out of injuries incurred by such
employees during the performance of their duties.

2.—(1) Subsection 1 of section 10 of *The City of Toronto* 1949, c. 142, s. 10, subs. 1, amended.
Act, 1949 is amended by striking out the words "except
private dwellings" in the third line, so that the subsection,
exclusive of the clauses, shall read as follows:

(1) The council of the Corporation may pass by-laws By-law to control rodents authorized.
for requiring the owners and occupants of lands,
buildings and structures to maintain such lands,
buildings and structures in a rodent-free condition;
and for that purpose the by-law may provide,—

.

(2) Subsection 2 of the said section 10 is amended by 1949, c. 142, s. 10, subs. 2, amended.
striking out the words "except private dwellings" in the
fifth line, so that the subsection shall read as follows:

(2) The medical officer of health, any member of the local Inspection of premises.
board of health, and any inspector or other person
acting under the instructions of any of them, may
enter, inspect and examine, as often as he thinks
necessary, any lands, buildings or structures within
the municipality, for the purpose of enforcing the
provisions of a by-law passed under this section and

for the purpose of ascertaining whether the owner or occupant has complied with any order made pursuant to such by-law, and any person in charge of such premises for the time being shall render such aid to the medical officer of health or other person as may be necessary.

Authority
to use
surplus
funds to
provide
accommoda-
tion for
street
cleaning
department.

1932, c. 93.

Commence-
ment of Act.

Short title.

3. The surplus funds remaining from debentures issued to raise money required to construct a refuse disposal plant pursuant to section 12 of *The City of Toronto Act, 1932* may be applied toward the cost of enlarging the Central Garage at Dundas and Munro Streets in the City of Toronto to provide office accommodation for the street cleaning department.

4. This Act shall come into force on the day it receives the Royal Assent.

5. This Act may be cited as *The City of Toronto Act, 1950*.



1st Reading

March 6th, 1950

2nd Reading

March 15th, 1950

3rd Reading

March 22nd, 1950

MR. REA

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Township of Cornwall.

MR. McDONALD

(PRIVATE BILL)



No. 18

1950

BILL

An Act respecting the Township of Cornwall.

WHEREAS the Corporation of the Township of Cornwall Preamble.
by its petition has prayed that an Act be passed
confirming By-law No. 1618 of the Township for the year 1949
and a certain agreement made between the Corporation and
the Ottawa and New York Railway Company and The New
York Central Railroad Company; and whereas the Corpora-
tion has represented that the said by-law was unanimously
passed by the council of the Corporation and the said agree-
ment was entered into upon terms and conditions which the
said council considers favourable; and whereas it is expedient
to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. By-law No. 1618 of the Corporation of the Township By-law
and
agreement
validated.
of Cornwall for the year 1949, and the agreement therein
referred to, set forth in Schedules A and B hereto respectively,
are hereby confirmed and declared legal, valid and binding
in the same manner and to the same extent as if set out at
length and the provisions thereof enacted in this Act, not-
withstanding anything in *The Assessment Act* or any other Rev. Stat.,
c. 272.
Act.

2. This Act shall come into force on the day it receives Commence-
ment of Act.
the Royal Assent.

3. This Act may be cited as *The Township of Cornwall Act*, Short title.
1950.

SCHEDULE A

BY-LAW No. 1618

FOR THE CORPORATION OF THE TOWNSHIP OF CORNWALL
FOR THE YEAR 1949

WHEREAS the Ottawa and New York Railway Company and The New York Central Railroad Company are the owners of an International Railway Bridge, the portion of which north of the International Boundary between the Dominion of Canada and the United States of America, lies within the Township of Cornwall;

AND WHEREAS differences have heretofore existed between The Corporation of the Township of Cornwall and the Ottawa and New York Railway Company and The New York Central Railroad Company with reference to the rights of The Corporation of the Township of Cornwall to assess and tax the portions of the said bridge situate within the Township of Cornwall and to impose upon the Ottawa and New York Railway Company and The New York Central Railroad Company the taxes with respect thereto;

AND WHEREAS such differences existed both in respect of the legal rights of The Corporation of the Township of Cornwall to assess and tax the said portions of the said bridge and in respect of the amount at which such property, if assessable, should be assessed;

AND WHEREAS such differences were mutually adjusted by the said Corporation and the said Ottawa and New York Railway Company by an Agreement made and entered into and bearing date the 7th day of April, 1919, which said Agreement was confirmed by By-law No. 981 of the Township of Cornwall for the year 1919, passed, signed and sealed in open Council on the 5th day of May, 1919, which said by-law was confirmed by an Act of the Legislature of Ontario, assented to on the 4th day of June, 1920, being Chapter 116, 10-11 George V. 1920;

AND WHEREAS the said differences were mutually adjusted for a further period of ten years by an Agreement made and entered into between the Corporation and the Ottawa and New York Railway Company and The New York Central Railroad Company and bearing date the Seventh day of August, 1928, which said agreement was confirmed by By-law No. 1150 of the Township of Cornwall for the year 1928, passed, signed and sealed in open Council on the 7th day of August, 1928, which said by-law was confirmed by an Act of the Legislature of Ontario, assented to on the 28th day of March, 1929, being Chapter 95, 19 George V. 1929;

AND WHEREAS the said differences were mutually adjusted for a further period of ten years by an Agreement made and entered into between the Corporation and the Companies, and bearing date the 17th day of October, 1938 which said Agreement was confirmed by By-law No. 1389 of the Township of Cornwall for the year 1938 and was passed, signed and sealed in open council on the 17th day of October, 1938;

AND WHEREAS the said Agreement mentioned in the last preceding paragraph expired on the 31st day of December, 1948;

AND WHEREAS it has been agreed between the Corporation and the Companies for the purpose of settling such differences for a further period of ten years, that the said portions of the bridge and other property hereinafter described, may be assessed at the fixed sum of one hundred and fifty thousand dollars (\$150,000.00);

THEREFORE, the Council of The Corporation of the Township of Cornwall hereby enacts as follows:

1. For a further period of ten years from the thirty-first day of December, one thousand nine hundred and forty-eight and from thence ensuing and including the year one thousand nine hundred and forty-nine,

up to and including the year one thousand nine hundred and fifty-eight, the said bridge including the right of way and all bridge and road construction between the International Boundary on the south and the northerly line of the Cornwall Canal Reserve, where said Canal crosses lot number Fourteen in the First Concession of the said Township of Cornwall shall be annually assessed at the sum of one hundred and fifty thousand dollars (\$150,000.00) in each and every year of the said period of ten years.

2. During the said period of ten years all municipal rates, taxes, levies and assessments made or levied against the said Companies with respect to the said described property or any portion thereof shall be made and levied upon the said fixed assessment of one hundred and fifty thousand dollars (\$150,000.00).

3. The legal rights of The Corporation and the Companies shall not be affected by anything herein contained but at the close of the said period of ten years shall again be in all respects as they were prior to the execution of this present agreement.

4. The Corporation shall petition the Legislature of Ontario for an Act to validate this Agreement, such Legislation to be obtained at the expense of the Companies as to Government fees.

The Reeve and the Township Clerk are hereby authorized to enter into an agreement with the Ottawa and New York Railway Company and The New York Central Railroad Company embodying the terms of this by-law and to affix the seal of the Corporation of the Township of Cornwall thereto.

PASSED, SIGNED AND SEALED in open Council this 7th day of March, A.D. 1949.

(Sgd.) J. E. U. ROULEAU,
Reeve.

(Sgd.) V. A. McDONALD,
Clerk.

SCHEDULE B

IN THE MATTER of the assessment of The Ottawa and New York Railway Company and The New York Central Railroad Company's International Bridge, in the Township of Cornwall.

AGREEMENT made this seventh day of March, A.D. 1949 to be effective from January 1st, 1949.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF CORNWALL,
hereinafter called "the Corporation"

OF THE FIRST PART

—and—

THE OTTAWA AND NEW YORK RAILWAY COMPANY

and

THE NEW YORK CENTRAL RAILROAD COMPANY, here-
after called "the Companies"

OF THE SECOND PART.

WHEREAS "the Companies" are the owners of that portion of an International Railway Bridge which is north of the International Boundary between the Dominion of Canada and the United States of America, which portion of said Railway Bridge lies within the Township of Cornwall, in the County of Stormont and Province of Ontario;

AND WHEREAS differences have heretofore existed between "the Corporation" and "the Companies" with reference to the rights of "the Corporation" to assess and tax the portions of said Bridge, situate within the Township of Cornwall and to impose upon "the Companies" taxes with respect thereto;

AND WHEREAS such differences existed both in respect of the legal rights of "the Corporation" to assess and tax the said portions of the said Bridge and in respect of the amount at which such property if assessable should be assessed;

AND WHEREAS said differences were mutually adjusted by the said Corporation and the said Ottawa and New York Railway Company for a period of ten years by an agreement made and entered into and bearing date the 7th day of April, 1919, which said Agreement was confirmed by By-law No. 981 of the Township of Cornwall for the year 1919, passed, signed and sealed in open Council on the 5th day of May, 1919, which said by-law was confirmed by an Act of the Legislature of Ontario, assented to on the 4th day of June, 1920, being Chapter 116, 10-11 George V. 1920;

AND WHEREAS the said differences were mutually adjusted for a further period of ten years by an Agreement made and entered into between the Corporation and the Companies and bearing date the 7th day of August 1928 which said Agreement was confirmed by By-law No. 1150 of the Township of Cornwall for the year 1928 passed, signed and sealed in open Council on the 7th day of August, 1928, which said by-law was confirmed by an Act of the Legislature of the Province of Ontario, assented to on the 28th day of March, 1929, being Chapter 95, 19 George V. 1929;

AND WHEREAS the said differences were mutually adjusted for a further period of ten years by an Agreement made and entered into between the Corporation and the Companies, and bearing date the 17th day of October, 1938 which said Agreement was confirmed by By-law No. 1389 of the Township of Cornwall for the year 1938 and was passed, signed and sealed in open Council on the 17th day of October, 1938;

AND WHEREAS the said Agreement mentioned in the last preceding paragraph expired on the 31st day of December, 1948;

AND WHEREAS it has been agreed between "the Corporation" and "the Companies" that for the purposes of settling such differences for a further period of ten years, the said portions of the said Bridge and other property hereinafter described may be assessed at the fixed sum of one hundred and fifty thousand dollars (\$150,000.00).

NOW THEREFORE this agreement witnesseth that in consideration of the premises and of the mutual covenants hereinafter set forth the parties hereto for themselves, their successors and assigns, covenant, promise and agree to, and with each other, in manner and form following, that is to say:—

1. For a further period of ten years from the 31st day of December, one thousand nine hundred and forty-eight and from thence ensuing and including the year one thousand nine hundred and forty-nine up to and including the year one thousand nine hundred and fifty-eight, the said Bridge including the right of way, and all Bridge and road construction between the International boundary on the South and the Northerly line of the Cornwall Canal Reserve, where said Canal crosses Lot Number Fourteen in the First Concession of the said Township of Cornwall shall be annually assessed at the sum of one hundred and fifty thousand dollars (\$150,000.00) in each and every year of the said period of ten years.

2. During the said period all municipal rates, taxes, levies and assessments made or levied against the said Companies with respect to the said described property or any portion thereof shall be made and levied upon the said fixed assessment of one hundred and fifty thousand dollars (\$150,000.00).

3. The legal rights of "the Corporation" and "the Companies" shall not be affected by anything herein contained, but at the close of the said period of ten years shall again be in all respects as they were prior to the execution of this Agreement.

4. "The Corporation" shall petition the Legislature of Ontario for an Act to validate this Agreement, such legislation to be obtained at the expense of "the Companies" as to Government fees.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective seals under the hands of their respective officers in that behalf.

SIGNED, SEALED AND DELIVERED
in the presence of

THE CORPORATION OF THE
TOWNSHIP OF CORNWALL

(Sgd.) J. E. U. ROULEAU,
Reeve.
(Sgd.) V. A. McDONALD,
Clerk.

THE OTTAWA & NEW YORK
RAILWAY COMPANY

(Sgd.) JACOB ARONSON,
Vice-President.
(Sgd.) B. H. SHEFFER,
Assistant Secretary.

THE NEW YORK CENTRAL
RAILROAD COMPANY

(Sgd.) JACOB ARONSON,
Vice-President.
(Sgd.) B. H. SHEFFER,
Assistant Secretary.

BILL

An Act respecting the Township of Cornwall.

1st Reading

2nd Reading

3rd Reading

MR. McDONALD

(*Private Bill*)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Township of Cornwall.

MR. McDONALD



No. 18

1950

BILL

An Act respecting the Township of Cornwall.

WHEREAS the Corporation of the Township of Cornwall Preamble.
by its petition has prayed that an Act be passed
confirming By-law No. 1618 of the Township for the year 1949
and a certain agreement made between the Corporation and
the Ottawa and New York Railway Company and The New
York Central Railroad Company; and whereas the Corpora-
tion has represented that the said by law was unanimously
passed by the council of the Corporation and the said agree-
ment was entered into upon terms and conditions which the
said council considers favourable; and whereas it is expedient
to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. By-law No. 1618 of the Corporation of the Township By-law
and
agreement
validated.
of Cornwall for the year 1949, and the agreement therein
referred to, set forth in Schedules A and B hereto respectively,
are hereby confirmed and declared legal, valid and binding
in the same manner and to the same extent as if set out at
length and the provisions thereof enacted in this Act, not-
withstanding anything in *The Assessment Act* or any other Rev. Stat.,
c. 272.
Act.

2. This Act shall come into force on the day it receives Commence-
ment of Act.
the Royal Assent.

3. This Act may be cited as *The Township of Cornwall Act*, Short title.
1950.

SCHEDULE A

BY-LAW No. 1618

FOR THE CORPORATION OF THE TOWNSHIP OF CORNWALL
FOR THE YEAR 1949

WHEREAS the Ottawa and New York Railway Company and The New York Central Railroad Company are the owners of an International Railway Bridge, the portion of which north of the International Boundary between the Dominion of Canada and the United States of America, lies within the Township of Cornwall;

AND WHEREAS differences have heretofore existed between The Corporation of the Township of Cornwall and the Ottawa and New York Railway Company and The New York Central Railroad Company with reference to the rights of The Corporation of the Township of Cornwall to assess and tax the portions of the said bridge situate within the Township of Cornwall and to impose upon the Ottawa and New York Railway Company and The New York Central Railroad Company the taxes with respect thereto;

AND WHEREAS such differences existed both in respect of the legal rights of The Corporation of the Township of Cornwall to assess and tax the said portions of the said bridge and in respect of the amount at which such property, if assessable, should be assessed;

AND WHEREAS such differences were mutually adjusted by the said Corporation and the said Ottawa and New York Railway Company by an Agreement made and entered into and bearing date the 7th day of April, 1919, which said Agreement was confirmed by By-law No. 981 of the Township of Cornwall for the year 1919, passed, signed and sealed in open Council on the 5th day of May, 1919, which said by-law was confirmed by an Act of the Legislature of Ontario, assented to on the 4th day of June, 1920, being Chapter 116, 10-11 George V. 1920;

AND WHEREAS the said differences were mutually adjusted for a further period of ten years by an Agreement made and entered into between the Corporation and the Ottawa and New York Railway Company and The New York Central Railroad Company and bearing date the Seventh day of August, 1928, which said agreement was confirmed by By-law No. 1150 of the Township of Cornwall for the year 1928, passed, signed and sealed in open Council on the 7th day of August, 1928, which said by-law was confirmed by an Act of the Legislature of Ontario, assented to on the 28th day of March, 1929, being Chapter 95, 19 George V. 1929;

AND WHEREAS the said differences were mutually adjusted for a further period of ten years by an Agreement made and entered into between the Corporation and the Companies, and bearing date the 17th day of October, 1938 which said Agreement was confirmed by By-law No. 1389 of the Township of Cornwall for the year 1938 and was passed, signed and sealed in open council on the 17th day of October, 1938;

AND WHEREAS the said Agreement mentioned in the last preceding paragraph expired on the 31st day of December, 1948;

AND WHEREAS it has been agreed between the Corporation and the Companies for the purpose of settling such differences for a further period of ten years, that the said portions of the bridge and other property hereinafter described, may be assessed at the fixed sum of one hundred and fifty thousand dollars (\$150,000.00);

THEREFORE, the Council of The Corporation of the Township of Cornwall hereby enacts as follows:

1. For a further period of ten years from the thirty-first day of December, one thousand nine hundred and forty-eight and from thence ensuing and including the year one thousand nine hundred and forty-nine,

up to and including the year one thousand nine hundred and fifty-eight, the said bridge including the right of way and all bridge and road construction between the International Boundary on the south and the northerly line of the Cornwall Canal Reserve, where said Canal crosses lot number Fourteen in the First Concession of the said Township of Cornwall shall be annually assessed at the sum of one hundred and fifty thousand dollars (\$150,000.00) in each and every year of the said period of ten years.

2. During the said period of ten years all municipal rates, taxes, levies and assessments made or levied against the said Companies with respect to the said described property or any portion thereof shall be made and levied upon the said fixed assessment of one hundred and fifty thousand dollars (\$150,000.00).

3. The legal rights of The Corporation and the Companies shall not be affected by anything herein contained but at the close of the said period of ten years shall again be in all respects as they were prior to the execution of this present agreement.

4. The Corporation shall petition the Legislature of Ontario for an Act to validate this Agreement, such Legislation to be obtained at the expense of the Companies as to Government fees.

The Reeve and the Township Clerk are hereby authorized to enter into an agreement with the Ottawa and New York Railway Company and The New York Central Railroad Company embodying the terms of this by-law and to affix the seal of the Corporation of the Township of Cornwall thereto.

PASSED, SIGNED AND SEALED in open Council this 7th day of March, A.D. 1949.

(Sgd.) J. E. U. ROULEAU,
Reeve.

(Sgd.) V. A. McDONALD,
Clerk.

SCHEDULE B

IN THE MATTER of the assessment of The Ottawa and New York Railway Company and The New York Central Railroad Company's International Bridge, in the Township of Cornwall.

AGREEMENT made this seventh day of March, A.D. 1949 to be effective from January 1st, 1949.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF CORNWALL,
hereinafter called "the Corporation"

OF THE FIRST PART

—and—

THE OTTAWA AND NEW YORK RAILWAY COMPANY

and

THE NEW YORK CENTRAL RAILROAD COMPANY, here-
after called "the Companies"

OF THE SECOND PART.

WHEREAS "the Companies" are the owners of that portion of an International Railway Bridge which is north of the International Boundary between the Dominion of Canada and the United States of America, which portion of said Railway Bridge lies within the Township of Cornwall, in the County of Stormont and Province of Ontario;

AND WHEREAS differences have heretofore existed between "the Corporation" and "the Companies" with reference to the rights of "the Corporation" to assess and tax the portions of said Bridge, situate within the Township of Cornwall and to impose upon "the Companies" taxes with respect thereto;

AND WHEREAS such differences existed both in respect of the legal rights of "the Corporation" to assess and tax the said portions of the said Bridge and in respect of the amount at which such property if assessable should be assessed;

AND WHEREAS said differences were mutually adjusted by the said Corporation and the said Ottawa and New York Railway Company for a period of ten years by an agreement made and entered into and bearing date the 7th day of April, 1919, which said Agreement was confirmed by By-law No. 981 of the Township of Cornwall for the year 1919, passed, signed and sealed in open Council on the 5th day of May, 1919, which said by-law was confirmed by an Act of the Legislature of Ontario, assented to on the 4th day of June, 1920, being Chapter 116, 10-11 George V. 1920;

AND WHEREAS the said differences were mutually adjusted for a further period of ten years by an Agreement made and entered into between the Corporation and the Companies and bearing date the 7th day of August 1928 which said Agreement was confirmed by By-law No. 1150 of the Township of Cornwall for the year 1928 passed, signed and sealed in open Council on the 7th day of August, 1928, which said by-law was confirmed by an Act of the Legislature of the Province of Ontario, assented to on the 28th day of March, 1929, being Chapter 95, 19 George V. 1929;

AND WHEREAS the said differences were mutually adjusted for a further period of ten years by an Agreement made and entered into between the Corporation and the Companies, and bearing date the 17th day of October, 1938 which said Agreement was confirmed by By-law No. 1389 of the Township of Cornwall for the year 1938 and was passed, signed and sealed in open Council on the 17th day of October, 1938;

AND WHEREAS the said Agreement mentioned in the last preceding paragraph expired on the 31st day of December, 1948;

AND WHEREAS it has been agreed between "the Corporation" and "the Companies" that for the purposes of settling such differences for a further period of ten years, the said portions of the said Bridge and other property hereinafter described may be assessed at the fixed sum of one hundred and fifty thousand dollars (\$150,000.00).

NOW THEREFORE this agreement witnesseth that in consideration of the premises and of the mutual covenants hereinafter set forth the parties hereto for themselves, their successors and assigns, covenant, promise and agree to, and with each other, in manner and form following, that is to say:—

1. For a further period of ten years from the 31st day of December, one thousand nine hundred and forty-eight and from thence ensuing and including the year one thousand nine hundred and forty-nine up to and including the year one thousand nine hundred and fifty-eight, the said Bridge including the right of way, and all Bridge and road construction between the International boundary on the South and the Northerly line of the Cornwall Canal Reserve, where said Canal crosses Lot Number Fourteen in the First Concession of the said Township of Cornwall shall be annually assessed at the sum of one hundred and fifty thousand dollars (\$150,000.00) in each and every year of the said period of ten years.

2. During the said period all municipal rates, taxes, levies and assessments made or levied against the said Companies with respect to the said described property or any portion thereof shall be made and levied upon the said fixed assessment of one hundred and fifty thousand dollars (\$150,000.00).

3. The legal rights of "the Corporation" and "the Companies" shall not be affected by anything herein contained, but at the close of the said period of ten years shall again be in all respects as they were prior to the execution of this Agreement.

4. "The Corporation" shall petition the Legislature of Ontario for an Act to validate this Agreement, such legislation to be obtained at the expense of "the Companies" as to Government fees.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective seals under the hands of their respective officers in that behalf.

SIGNED, SEALED AND DELIVERED
in the presence of

THE CORPORATION OF THE
TOWNSHIP OF CORNWALL

(Sgd.) J. E. U. ROULEAU,
Reeve.

(Sgd.) V. A. McDONALD,
Clerk.

THE OTTAWA & NEW YORK
RAILWAY COMPANY

(Sgd.) JACOB ARONSON,
Vice-President.

(Sgd.) B. H. SHEFFER,
Assistant Secretary.

THE NEW YORK CENTRAL
RAILROAD COMPANY

(Sgd.) JACOB ARONSON,
Vice-President.

(Sgd.) B. H. SHEFFER,
Assistant Secretary.

An Act respecting the Township of
Cornwall.

1st Reading

February 28th, 1950

2nd Reading

March 10th, 1950

3rd Reading

March 15th, 1950

MR. McDONALD

No. 19

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Guelph.

MR. EDWARDS

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 19

1950

BILL

An Act respecting the City of Guelph.

WHEREAS the Corporation of the City of Guelph by Preamble.
its petition has represented that the Guelph Memorial
Gardens has been established as a war memorial and to
promote and provide certain recreational facilities for the
City of Guelph; and whereas the Corporation has prayed for
special legislation to authorize the council of the Corporation,
notwithstanding clause *e* of paragraph 30 of section 404 of
The Municipal Act, to appoint five resident ratepayers to act Rev. Stat.,
c. 266.
on its behalf as a board of management of the Guelph Memorial
Gardens; and whereas it is expedient to grant the prayer of the
petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act, "Guelph Memorial Gardens" means the "Guelph
Memorial
Gardens".
building now enclosed by the exterior walls of the arena now
known as Guelph Memorial Gardens and does not include the
Guelph Market premises, the Public Works and Waterworks
Departments and boiler room.

2.—(1) The council of the Corporation may appoint a Memorial
Gardens
Commission.
commission of five persons, which commission shall have the
general supervision, management and control of the Guelph
Memorial Gardens and shall be known as the Memorial
Gardens Commission.

(2) All the members of the commission shall be residents Qualifica-
tion of
members.
and ratepayers of the City of Guelph.

(3) Three of the members and their successors shall be Term of
office.
appointed for a three-year term and two members and their
successors for a two-year term.

(4) Any member shall, upon the expiration of his term of Re-
appointment.
office, be eligible for re-appointment.

Mayor *ex officio* member.

(5) The mayor shall be *ex officio* a sixth member of the commission.

Powers of commission.

3. The commission shall have power to,

- (a) direct, employ and discharge all persons connected with Guelph Memorial Gardens;
- (b) maintain, repair and improve all the building and property of Guelph Memorial Gardens and to expend such moneys from the revenues of the Guelph Memorial Gardens as the commission may deem necessary for the proper operation of the Guelph Memorial Gardens;
- (c) enter into such contracts or agreements with persons or organizations desiring to use the facilities of the Guelph Memorial Gardens as the commission shall deem advisable;
- (d) perform all such other acts as may be necessary for the proper operation and administration of the Guelph Memorial Gardens in the best interest of the citizens of Guelph.

Report to council.

4.—(1) Immediately after the close of each fiscal year the commission shall prepare and submit a report to the council of the Corporation containing,

- (a) a complete, detailed and certified financial statement of its affairs, including revenue and expense account, balance sheet, and profit and loss statement; and
- (b) a general report of the operations of the commission during the year.

Furnishing of information.

(2) The commission shall also furnish such information as from time to time may be required by the council.

Audit.

(3) All the books, documents, transactions and accounts of the commission shall be audited by the audit department of the Corporation and the cost of audit shall be part of the working expenditure of Guelph Memorial Gardens.

Reserve.

5.—(1) The commission may accumulate and maintain a reserve of \$50,000, such reserve to comprise the excess of current assets and prepaid charges over current liabilities and shall pay over on or before the 31st day of December in each year to the city treasurer for the benefit of the city's current account all funds in excess of such reserve.

(2) The fiscal year of the commission shall commence on the 1st day of September in each year and end on the 31st day of August in the following year. ^{Fiscal year.}

6. This Act shall come into force on the day it receives the ^{Commence-}
Royal Assent. ^{ment of Act.}

7. This Act may be cited as *The City of Guelph Act, 1950*. ^{Short title.}



BILL

An Act respecting the City of Guelph.

1st Reading

2nd Reading

3rd Reading

MR. EDWARDS

(*Private Bill*)

No. 19

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Guelph.

MR. EDWARDS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the City of Guelph.

WHEREAS the Corporation of the City of Guelph by Preamble.
its petition has represented that the Guelph Memorial
Gardens has been established as a war memorial and to
promote and provide certain recreational facilities for the
City of Guelph; and whereas the Corporation has prayed for
special legislation to authorize the council of the Corporation,
notwithstanding clause *e* of paragraph 30 of section 404 of
The Municipal Act, to appoint five resident ratepayers to act Rev. Stat.,
c. 266.
on its behalf as a board of management of the Guelph Memorial
Gardens; and whereas it is expedient to grant the prayer of the
petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act, "Guelph Memorial Gardens" means the "Guelph
Memorial
Gardens".
building now enclosed by the exterior walls of the arena now
known as Guelph Memorial Gardens and does not include the
Guelph Market premises, the Public Works and Waterworks
Departments and boiler room.

2.—(1) The council of the Corporation may appoint a Memorial
Gardens
Commission.
commission of five persons, which commission shall have the
general supervision, management and control of the Guelph
Memorial Gardens and shall be known as the Memorial
Gardens Commission.

(2) All the members of the commission shall be residents Qualifica-
tion of
members.
and ratepayers of the City of Guelph.

(3) Three of the members and their successors shall be Term of
office.
appointed for a three-year term and two members and their
successors for a two-year term.

(4) Any member shall, upon the expiration of his term of Re-
appointment.
office, be eligible for re-appointment.

Mayor *ex officio* member.

(5) The mayor shall be *ex officio* a sixth member of the commission.

Powers of commission.

3. The commission shall have power to,

- (a) direct, employ and discharge all persons connected with Guelph Memorial Gardens;
- (b) maintain, repair and improve all the building and property of Guelph Memorial Gardens and to expend such moneys from the revenues of the Guelph Memorial Gardens as the commission may deem necessary for the proper operation of the Guelph Memorial Gardens;
- (c) enter into such contracts or agreements with persons or organizations desiring to use the facilities of the Guelph Memorial Gardens as the commission shall deem advisable;
- (d) perform all such other acts as may be necessary for the proper operation and administration of the Guelph Memorial Gardens in the best interest of the citizens of Guelph.

Report to council.

4.—(1) Immediately after the close of each fiscal year the commission shall prepare and submit a report to the council of the Corporation containing,

- (a) a complete, detailed and certified financial statement of its affairs, including revenue and expense account, balance sheet, and profit and loss statement; and
- (b) a general report of the operations of the commission during the year.

Furnishing of information.

(2) The commission shall also furnish such information as from time to time may be required by the council.

Audit.

(3) All the books, documents, transactions and accounts of the commission shall be audited by the audit department of the Corporation and the cost of audit shall be part of the working expenditure of Guelph Memorial Gardens.

Reserve.

5.—(1) The commission may accumulate and maintain a reserve of \$50,000, such reserve to comprise the excess of current assets and prepaid charges over current liabilities and shall pay over on or before the 31st day of December in each year to the city treasurer for the benefit of the city's current account all funds in excess of such reserve.

(2) The fiscal year of the commission shall commence on the 1st day of September in each year and end on the 31st day of August in the following year. ^{Fiscal year.}

6. This Act shall come into force on the day it receives the Royal Assent. <sup>Commence-
ment of Act.</sup>

7. This Act may be cited as *The City of Guelph Act, 1950*. ^{Short title.}



An Act respecting the City of Guelph.

1st Reading

February 28th, 1950

2nd Reading

March 10th, 1950

3rd Reading

March 15th, 1950

Mr. EDWARDS

No. 20

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting The Incorporated Synod of the Diocese of Ottawa.

MR. MORROW

(PRIVATE BILL)

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting The Incorporated Synod of the
Diocese of Ottawa.

WHEREAS The Incorporated Synod of the Diocese of ^{Preamble.}
Ottawa, hereinafter called the Synod, by its petition
has prayed that an Act may be passed to amend and extend
its powers with respect to the investment of its funds;
and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In addition to the powers of investing in trustee invest- ^{Investment}
ments, the Synod may invest the assets now or hereafter owned ^{of funds.}
by it in its consolidated fund or in any endowment or trust
fund held by it in any investments or securities that are now
or may hereafter be authorized investments for joint stock
insurance companies and cash-mutual insurance corporations
under *The Companies Act*, and may alter and vary such ^{Rev. Stat.,}
investments from time to time by substituting others of a ^{c. 251.}
like nature.

2. This Act shall come into force on the day it receives the ^{Commence-}
Royal Assent. ^{ment of Act.}

3. This Act may be cited as *The Incorporated Synod of* ^{Short title.}
the Diocese of Ottawa Act, 1950.

BILL

An Act respecting The Incorporated Synod
of the Diocese of Ottawa.

1st Reading

2nd Reading

3rd Reading

MR. MORROW

(*Private Bill*)

No. 20

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting The Incorporated Synod of the Diocese of Ottawa.

MR. MORROW

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1118

BILL

An Act respecting The Incorporated Synod of the
Diocese of Ottawa.

WHEREAS The Incorporated Synod of the Diocese of ^{Preamble.}
Ottawa, hereinafter called the Synod, by its petition
has prayed that an Act may be passed to amend and extend
its powers with respect to the investment of its funds;
and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In addition to the powers of investing in trustee invest-^{Investment}
ments, the Synod may invest the assets now or hereafter owned ^{of funds.}
by it in its consolidated fund or in any endowment or trust
fund held by it in any investments or securities that are now
or may hereafter be authorized investments for joint stock
insurance companies and cash-mutual insurance corporations
under *The Companies Act*, and may alter and vary such ^{Rev. Stat.,}
investments from time to time by substituting others of a ^{c. 251.}
like nature.

2. This Act shall come into force on the day it receives the ^{Commence-}
Royal Assent. ^{ment of Act.}

3. This Act may be cited as *The Incorporated Synod of* ^{Short title.}
the Diocese of Ottawa Act, 1950.

An Act respecting The Incorporated Synod
of the Diocese of Ottawa.

1st Reading

February 28th, 1950

2nd Reading

March 15th, 1950

3rd Reading

March 22nd, 1950

MR. MORROW

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Ottawa.

MR. CHARTRAND

(PRIVATE BILL)



No. 21

1950

BILL

An Act respecting the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa by Preamble.
its petition has prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it
is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subsection 4 of section 3 of *The City of Ottawa Act*, 1949, c. 134,
1949 is repealed and the following substituted therefor: s. 3, subs. 4,
re-enacted.

(4) All lands in the Township of Nepean shall be detached
from the Registry Division of the County of Carleton
and shall form part of the Registry Division of the
City of Ottawa for the purposes of *The Registry Act*. Transfer to
Ottawa
Registry
Division.
Rev. Stat.,
c. 170.

2. That part of the high school district of the Township
of Nepean attached to the high school district of the City of
Ottawa on the 1st day of January, 1950, by By-law No. 88-49
of the Corporation of the City of Ottawa passed on the 20th
day of June, 1949, and by By-law No. 1370 of the Corporation
of the County of Carleton passed on the 24th day of June,
1949, shall not be deemed a municipality for the purposes of
section 13 of *The High Schools Act*. Certain
lands not
municipality for
purposes of
high school
district.
Rev. Stat.,
c. 360.

3.—(1) The Corporation of the City of Ottawa may do
all work, take all proceedings and pass all by-laws, including
debenture by-laws, necessary to complete the works described
in the following by-laws of the Corporation of the Township
of Nepean: Ottawa
authorized
to proceed
with certain
works of
Nepean.

By-law No.	Nature of Work
1529	Storm sewer
1530	Sanitary sewer
1560	Sanitary sewer
1561	Watermain
1563	Watermain
1564	Sanitary sewer

Rev. Stat.,
cc. 266, 269.

and to provide for payment of the cost of the said works including, in the case of local improvement works, the imposition of a special rate per foot frontage upon abutting properties as fully and effectually as if the said works had been initiated by the Corporation of the City of Ottawa under and in accordance with the provisions of *The Municipal Act* or *The Local Improvement Act*, as the case may be.

Continued
application
of certi-
ficates and
orders.

(2) All existing certificates of the Department of Health and all existing orders of the Ontario Municipal Board relating to the said works shall apply to the Corporation of the City of Ottawa as fully and effectually as if the Corporation of the City of Ottawa instead of the Corporation of the Township of Nepean were named therein.

Powers
under
1929, c. 108.

(3) The Corporation of the City of Ottawa may exercise in respect of the said works all the powers conferred upon the Corporation of the Township of Nepean by *The Township of Nepean Act, 1929*.

Ottawa
authorized
to proceed
with certain
works of
Gloucester.

4.—(1) The Corporation of the City of Ottawa, with the approval of the Ontario Municipal Board, may take all proceedings and pass all by-laws, including debenture by-laws, necessary to provide for payment of the cost, including the imposition of a special rate per foot frontage upon abutting properties, of the local improvement works described in the following by-laws of the Corporation of the Township of Gloucester as fully and effectually as if such works had been initiated and constructed by the Corporation of the City of Ottawa under and in accordance with the provisions of *The Local Improvement Act*:

By-law No.	Nature of Work
10-45	Watermain
11-45	Sewer
12-45	Watermain
13-45	Sewer
18-46	Sewer
19-46	Sewer
20-46	Sewer
44-48	Watermain
1-49	Sewer
18-49	Watermain
50-47	Pavement
7-48	Pavement
8-48	Pavement
18-48	Sidewalk
19-48	Sidewalk
20-48	Sidewalk

21-48	.....	Pavement
22-48	.....	Pavement
23-48	.....	Sidewalk
25-48	.....	Sidewalk

(2) All existing certificates of the Department of Health and all existing orders of the Ontario Municipal Board relating to the said works shall apply to the Corporation of the City of Ottawa as fully and effectually as if the Corporation of the City of Ottawa instead of the Corporation of the Township of Gloucester were named therein. Continued application of certificates and orders.

5. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

6. This Act may be cited as *The City of Ottawa Act, 1950*. Short title.



An Act respecting the City of Ottawa.

1st Reading

2nd Reading

3rd Reading

MR. CHARRAND

(Private Bill)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Ottawa.

MR. CHARTRAND

(Reprinted as amended by the Committee on Private Bills.)



No. 21

1950

BILL

An Act respecting the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa by Preamble.
its petition has prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it
is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Subsection 4 of section 3 of *The City of Ottawa Act*, 1949, c. 134,
1949 is repealed and the following substituted therefor: s. 3, subs. 4,
re-enacted.

(4) All lands in the Township of Nepean shall be detached Transfer to
from the Registry Division of the County of Carleton Registry
and shall form part of the Registry Division of the Division.
City of Ottawa for the purposes of *The Registry Act*. Rev. Stat.,
c. 170.

(2) The agreement dated the 20th day of March, 1950, Agreement
between the Corporation of the City of Ottawa and the confirmed.
Corporation of the County of Carleton set forth as the
Schedule hereto is hereby confirmed and declared to be legal,
valid and binding upon the parties thereto and the ratepayers
thereof and all other persons affected thereby.

2. That part of the high school district of the Township Certain
of Nepean attached to the high school district of the City of lands not
Ottawa on the 1st day of January, 1950, by By-law No. 88-49 municipality for
of the Corporation of the City of Ottawa passed on the 20th purposes of
day of June, 1949, and by By-law No. 1370 of the Corporation high school
of the County of Carleton passed on the 24th day of June, district.
1949, shall not be deemed a municipality for the purposes of
section 13 of *The High Schools Act*. Rev. Stat.,
c. 360.

3.—(1) The Corporation of the City of Ottawa may do Ottawa
all work, take all proceedings and pass all by-laws, including authorized
debenture by-laws, necessary to complete the works described to proceed
in the following by-laws of the Corporation of the Township with certain
of Nepean: works of
Nepean.

By-law No.	Nature of Work
1529	Storm sewer
1530	Sanitary sewer
1560	Sanitary sewer
1561	Watermain
1563	Watermain
1564	Sanitary sewer

and to provide for payment of the cost of the said works including, in the case of local improvement works, the imposition of a special rate per foot frontage upon abutting properties as fully and effectually as if the said works had been initiated by the Corporation of the City of Ottawa under and in accordance with the provisions of *The Municipal Act* or *The Local Improvement Act*, as the case may be.

Rev. Stat.,
cc. 266, 269.

Continued
application
of certi-
ficates and
orders.

(2) All existing certificates of the Department of Health and all existing orders of the Ontario Municipal Board relating to the said works shall apply to the Corporation of the City of Ottawa as fully and effectually as if the Corporation of the City of Ottawa instead of the Corporation of the Township of Nepean were named therein.

Powers'
under
1929, c. 108.

(3) The Corporation of the City of Ottawa may exercise in respect of the said works all the powers conferred upon the Corporation of the Township of Nepean by *The Township of Nepean Act, 1929*.

Ottawa
authorized
to proceed
with certain
works of
Gloucester.

4.—(1) The Corporation of the City of Ottawa, with the approval of the Ontario Municipal Board, may,

(a) take all proceedings and pass all by-laws, including debenture by-laws, necessary to provide for payment of the cost, including the imposition of a special rate per foot frontage upon abutting properties, of the local improvement works described in the following by-laws of the Corporation of the Township of Gloucester as fully and effectually as if such works had been initiated and constructed by the Corporation of the City of Ottawa under and in accordance with the provisions of *The Local Improvement Act*:

By-law No.	Nature of Work
10-45	Watermain
11-45	Sewer
12-45	Watermain
13-45	Sewer
18-46	Sewer

19-46	.....	Sewer
20-46	.....	Sewer
44-48	.....	Watermain
1-49	.....	Sewer
18-49	.....	Watermain
50-47	.....	Pavement
7-48	.....	Pavement
8-48	.....	Pavement
18-48	.....	Sidewalk
19-48	.....	Sidewalk
20-48	.....	Sidewalk
21-48	.....	Pavement
22-48	.....	Pavement
23-48	.....	Sidewalk
25-48	.....	Sidewalk

- (b) do all work, take all proceedings and pass all by-laws, including debenture by-laws, necessary to complete the programme of sewer and water local improvement works initiated by the Corporation of the Township of Gloucester for Manor Park Subdivision and to provide for payment of the cost of the said works, including the imposition of a special rate per foot frontage upon abutting properties or upon all rateable properties in the said area as fully and effectually as if the said works had been initiated by the Corporation of the City of Ottawa under and in accordance with the provisions of *The Local Improvement Act* and for such purposes the Corporation of the City of Ottawa may exercise all the powers conferred upon a township by section 64 of *The Local Improvement Act*. Rev. Stat.,
c. 269.

(2) All existing certificates of the Department of Health and all existing orders of the Ontario Municipal Board relating to the said works shall apply to the Corporation of the City of Ottawa as fully and effectually as if the Corporation of the City of Ottawa instead of the Corporation of the Township of Gloucester were named therein. Continued
application
of certi-
ficates and
orders.

5. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

6. This Act may be cited as *The City of Ottawa Act, 1950*. Short title.

SCHEDULE

AN AGREEMENT made in duplicate the 20th day of March, 1950.

BETWEEN:

THE CORPORATION OF THE CITY OF OTTAWA, hereinafter
called the "City",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE COUNTY OF CARLETON,
hereinafter called the "County",

OF THE SECOND PART.

WHEREAS subsection (4) of section 3 of The City of Ottawa Act, 1949, (Statutes of Ontario, 1949, chapter 134) provides that certain lands in the Township of Nepean annexed to the City of Ottawa on the 1st day of January, 1950, shall be detached from the Registry Division of the County of Carleton and shall form part of the Registry Division of the City of Ottawa for the purposes of *The Registry Act* (R.S.O. 1937, chapter 170);

AND WHEREAS the carrying out of the said subsection would involve undue inconvenience and expense;

AND WHEREAS the City Registry Office is able to accommodate all lands in the Township of Nepean;

AND WHEREAS the City has petitioned the Legislature at its present session for an Act amending the said subsection so as to provide that all lands in the Township of Nepean (both the annexed and the unannexed parts of the said Township) shall be detached from the Registry Division of the County of Carleton and shall form part of the Registry Division of the City of Ottawa for the purposes of *The Registry Act*;

AND WHEREAS certain lands in the Township of Gloucester within the Registry Division of the County of Carleton were annexed to the City of Ottawa on the 2nd day of January, 1950;

AND WHEREAS it is provided by subsection (2) of section 109 of *The Registry Act* that where a registry division includes a county and a city separated from the county for municipal purposes the percentages referred to in the said section shall be paid to the treasurer of the county and to the treasurer of the city for the use of the municipality in the proportions in which the gross fees and emoluments are derived from extracts, searches, registrations and other charges in respect of land situate in the county and in the city respectively;

AND WHEREAS the City and the County have agreed as hereinafter set forth:

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. Notwithstanding the provisions of section 109 of *The Registry Act* all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the County of Carleton as altered by the Act petitioned for by the City, referred to above, shall be paid to the treasurer of the County and all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa as altered by the said Act shall be paid to the treasurer of the City.

2. The next preceding paragraph shall not apply to any amount collected in respect of a tax imposed under a by-law passed by the Council of the City pursuant to the provisions of *The Mortgage Tax Act* or to any

percentage of such tax, and all amounts collected by the Registrar of the Registry Division of the County of Carleton or by the Registrar of the Registry Division of the City of Ottawa in respect of any such tax shall belong wholly to the City and be paid to the treasurer of the City.

3. This agreement shall not come into effect unless and until the Act petitioned for by the City, attaching all lands in the Township of Nepean to the Registry Division of the City of Ottawa for the purposes of *The Registry Act*, referred to above, is passed by the Legislature and comes into effect but when such Act comes into effect this agreement shall be deemed to have effect from the 1st day of January, 1950 and shall remain in effect for a period of five years after such date.

IN WITNESS WHEREOF the City has hereunto affixed its corporate seal under the hands of its Mayor and Clerk, and the County has hereunto affixed its corporate seal under the hands of its Warden and Clerk-Treasurer.

SIGNED, SEALED AND DELIVERED

ELIZABETH J. CHAPMAN,
Witness.

THE CORPORATION OF THE CITY OF
OTTAWA:

E. A. BOURQUE,
Mayor.

N. R. OGILVIE,
Clerk.

(Seal)

THE CORPORATION OF THE COUNTY
OF CARLETON:

W. A. TAYLOR,
Warden.

(Seal)

H. E. COLDREY,
County Clerk.

An Act respecting the City of Ottawa.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. CHARTRAND

*(Reprinted as amended by the Committee on
Private Bills.)*

No. 21

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Ottawa.

MR. CHARTRAND

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa by Preamble.
its petition has prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it
is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Subsection 4 of section 3 of *The City of Ottawa Act*, 1949, c. 134,
s. 3, subs. 4,
re-enacted.
1949 is repealed and the following substituted therefor:

(4) All lands in the Township of Nepean shall be detached Transfer to
Ottawa
Registry
Division.
from the Registry Division of the County of Carleton
and shall form part of the Registry Division of the
City of Ottawa for the purposes of *The Registry Act*. Rev. Stat.,
c. 170.

(2) The agreement dated the 20th day of March, 1950, Agreement
confirmed.
between the Corporation of the City of Ottawa and the
Corporation of the County of Carleton set forth as the
Schedule hereto is hereby confirmed and declared to be legal,
valid and binding upon the parties thereto and the ratepayers
thereof and all other persons affected thereby.

2. That part of the high school district of the Township Certain
lands not
municipal
for
purposes of
high school
district.
of Nepean attached to the high school district of the City of
Ottawa on the 1st day of January, 1950, by By-law No. 88-49
of the Corporation of the City of Ottawa passed on the 20th
day of June, 1949, and by By-law No. 1370 of the Corporation
of the County of Carleton passed on the 24th day of June,
1949, shall not be deemed a municipality for the purposes of
section 13 of *The High Schools Act*. Rev. Stat.,
c. 360.

3.—(1) The Corporation of the City of Ottawa may do Ottawa
authorized
to proceed
with certain
works of
Nepean.
all work, take all proceedings and pass all by-laws, including
debenture by-laws, necessary to complete the works described
in the following by-laws of the Corporation of the Township
of Nepean:

By-law No.	Nature of Work
1529	Storm sewer
1530	Sanitary sewer
1560	Sanitary sewer
1561	Watermain
1563	Watermain
1564	Sanitary sewer

and to provide for payment of the cost of the said works including, in the case of local improvement works, the imposition of a special rate per foot frontage upon abutting properties as fully and effectually as if the said works had been initiated by the Corporation of the City of Ottawa under and in accordance with the provisions of *The Municipal Act* or *The Local Improvement Act*, as the case may be.

Rev. Stat.,
cc. 266, 269.

Continued
application
of certi-
ficates and
orders.

(2) All existing certificates of the Department of Health and all existing orders of the Ontario Municipal Board relating to the said works shall apply to the Corporation of the City of Ottawa as fully and effectually as if the Corporation of the City of Ottawa instead of the Corporation of the Township of Nepean were named therein.

Powers
under
1929, c. 108.

(3) The Corporation of the City of Ottawa may exercise in respect of the said works all the powers conferred upon the Corporation of the Township of Nepean by *The Township of Nepean Act, 1929*.

Ottawa
authorized
to proceed
with certain
works of
Gloucester.

4.—(1) The Corporation of the City of Ottawa, with the approval of the Ontario Municipal Board, may,

- (a) take all proceedings and pass all by-laws, including debenture by-laws, necessary to provide for payment of the cost, including the imposition of a special rate per foot frontage upon abutting properties, of the local improvement works described in the following by-laws of the Corporation of the Township of Gloucester as fully and effectually as if such works had been initiated and constructed by the Corporation of the City of Ottawa under and in accordance with the provisions of *The Local Improvement Act*:

By-law No.	Nature of Work
10-45	Watermain
11-45	Sewer
12-45	Watermain
13-45	Sewer
18-46	Sewer

19-46	.....	Sewer
20-46	.....	Sewer
44-48	.....	Watermain
1-49	.....	Sewer
18-49	.....	Watermain
50-47	.....	Pavement
7-48	.....	Pavement
8-48	.....	Pavement
18-48	.....	Sidewalk
19-48	.....	Sidewalk
20-48	.....	Sidewalk
21-48	.....	Pavement
22-48	.....	Pavement
23-48	.....	Sidewalk
25-48	.....	Sidewalk

- (b) do all work, take all proceedings and pass all by-laws, including debenture by-laws, necessary to complete the programme of sewer and water local improvement works initiated by the Corporation of the Township of Gloucester for Manor Park Subdivision and to provide for payment of the cost of the said works, including the imposition of a special rate per foot frontage upon abutting properties or upon all rateable properties in the said area as fully and effectually as if the said works had been initiated by the Corporation of the City of Ottawa under and in accordance with the provisions of *The Local Improvement Act* and for such purposes the Corporation of the City of Ottawa may exercise all the powers conferred upon a township by section 64 of *The Local Improvement Act*. Rev. Stat.,
c. 269.

(2) All existing certificates of the Department of Health and all existing orders of the Ontario Municipal Board relating to the said works shall apply to the Corporation of the City of Ottawa as fully and effectually as if the Corporation of the City of Ottawa instead of the Corporation of the Township of Gloucester were named therein. Continued
application
of certi-
ficates and
orders.

5. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

6. This Act may be cited as *The City of Ottawa Act, 1950*. Short title.

SCHEDULE

AN AGREEMENT made in duplicate the 20th day of March, 1950.

BETWEEN:

THE CORPORATION OF THE CITY OF OTTAWA, hereinafter
called the "City",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE COUNTY OF CARLETON,
hereinafter called the "County",

OF THE SECOND PART.

WHEREAS subsection (4) of section 3 of The City of Ottawa Act, 1949, (Statutes of Ontario, 1949, chapter 134) provides that certain lands in the Township of Nepean annexed to the City of Ottawa on the 1st day of January, 1950, shall be detached from the Registry Division of the County of Carleton and shall form part of the Registry Division of the City of Ottawa for the purposes of *The Registry Act* (R.S.O. 1937, chapter 170);

AND WHEREAS the carrying out of the said subsection would involve undue inconvenience and expense;

AND WHEREAS the City Registry Office is able to accommodate all lands in the Township of Nepean;

AND WHEREAS the City has petitioned the Legislature at its present session for an Act amending the said subsection so as to provide that all lands in the Township of Nepean (both the annexed and the unannexed parts of the said Township) shall be detached from the Registry Division of the County of Carleton and shall form part of the Registry Division of the City of Ottawa for the purposes of *The Registry Act*;

AND WHEREAS certain lands in the Township of Gloucester within the Registry Division of the County of Carleton were annexed to the City of Ottawa on the 2nd day of January, 1950;

AND WHEREAS it is provided by subsection (2) of section 109 of *The Registry Act* that where a registry division includes a county and a city separated from the county for municipal purposes the percentages referred to in the said section shall be paid to the treasurer of the county and to the treasurer of the city for the use of the municipality in the proportions in which the gross fees and emoluments are derived from extracts, searches, registrations and other charges in respect of land situate in the county and in the city respectively;

AND WHEREAS the City and the County have agreed as hereinafter set forth:

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. Notwithstanding the provisions of section 109 of *The Registry Act* all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the County of Carleton as altered by the Act petitioned for by the City, referred to above, shall be paid to the treasurer of the County and all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa as altered by the said Act shall be paid to the treasurer of the City.

2. The next preceding paragraph shall not apply to any amount collected in respect of a tax imposed under a by-law passed by the Council of the City pursuant to the provisions of *The Mortgage Tax Act* or to any

percentage of such tax, and all amounts collected by the Registrar of the Registry Division of the County of Carleton or by the Registrar of the Registry Division of the City of Ottawa in respect of any such tax shall belong wholly to the City and be paid to the treasurer of the City.

3. This agreement shall not come into effect unless and until the Act petitioned for by the City, attaching all lands in the Township of Nepean to the Registry Division of the City of Ottawa for the purposes of *The Registry Act*, referred to above, is passed by the Legislature and comes into effect but when such Act comes into effect this agreement shall be deemed to have effect from the 1st day of January, 1950 and shall remain in effect for a period of five years after such date.

IN WITNESS WHEREOF the City has hereunto affixed its corporate seal under the hands of its Mayor and Clerk, and the County has hereunto affixed its corporate seal under the hands of its Warden and Clerk-Treasurer.

SIGNED, SEALED AND DELIVERED

ELIZABETH J. CHAPMAN,
Witness.

THE CORPORATION OF THE CITY OF
OTTAWA:

E. A. BOURQUE,
Mayor.
N. R. OGILVIE,
Clerk.

(Seal)

THE CORPORATION OF THE COUNTY
OF CARLETON:

W. A. TAYLOR,
Warden.

(Seal)

H. E. COLDREY,
County Clerk.

An Act respecting the City of Ottawa.

1st Reading

March 8th, 1950

2nd Reading

March 27th, 1950

3rd Reading

March 30th, 1950

MR. CHARTRAND

No. 22

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Library of Knox College and Certain Archives.

MR. MACKENZIE

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Library of Knox College and Certain Archives.

WHEREAS the trustees appointed under clause *e* of Preamble. section 14 of *The United Church of Canada Act* (Ontario); 1925, c. 125. The United Church of Canada, a corporation incorporated under *The United Church of Canada Act* (Canada); The 14-15 Geo. V, Trustee Board of The Presbyterian Church in Canada, a ^{c. 100} (Can.) corporation incorporated under *An Act to incorporate The 3 Geo. VI Trustee Board of The Presbyterian Church in Canada* (Canada); c. 64 (Can.). Knox College, a corporation incorporated by *An Act to incor- 22 Vict.,* ^{c. 69} (Can.). *porate Knox College*, being chapter 69 of the Statutes of the Province of Canada, 1858; and Victoria University, a corporation incorporated by Royal Charter, by their petition have prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding clause *e* of section 14 of *The United Church of Canada Act* (Ontario), the agreement between the trustees appointed under the said clause *e*, The United Church of Canada, The Trustee Board of The Presbyterian Church in Canada, Knox College and Victoria University, dated the 20th day of January, 1950, and set forth as the Schedule hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto. ^{Agreement validated.}

2. This Act shall come into force on the day it receives the Royal Assent. ^{Commencement of Act.}

3. This Act may be cited as *The Knox College Library Act, 1950.* ^{Short title.}

SCHEDULE

AGREEMENT entered into this Twentieth day of January, A.D. 1950.

BETWEEN:

THOMAS P. GEGGIE, Chartered Accountant; WILLIAM R. STEVENS, Secretary-Treasurer, and GILBERT SUTHERLAND, Gentleman, all of the City of Toronto, in the County of York, the Trustees referred to in The United Church of Canada Act, 1925 Statutes of Ontario, chapter 125, section 14 (e),

hereinafter referred to as "the Trustees"

OF THE FIRST PART,

THE UNITED CHURCH OF CANADA, a body corporate, having its head office at the City of Toronto,

hereinafter referred to as "the Church"

OF THE SECOND PART,

THE TRUSTEE BOARD OF THE PRESBYTERIAN CHURCH IN CANADA, a body corporate, having its head office at the City of Toronto,

hereinafter referred to as "the Board"

OF THE THIRD PART

—and—

KNOX COLLEGE and VICTORIA UNIVERSITY, bodies corporate, each having its head office at the City of Toronto, the Parties

OF THE FOURTH PART.

WHEREAS the Trustees under The United Church of Canada Act, 1925 Statutes of Ontario, chapter 125, section 14 (e) hold the books and contents, and the contents of the stock rooms, shipping-room, cataloguing-room, librarian's office and reading-room used in connection therewith, which formed the library of Knox College, together with the Library Endowment Fund as therein provided for the benefit of the parties of the Second and Third Parts;

AND WHEREAS the Church was incorporated by The United Church of Canada Act, 1924 Statutes of Canada, 14-15 George V, chapter 100, and re-enacted within the Province of Ontario by Section 21, 1925 Statutes of Ontario, chapter 125; The Board was incorporated by 1939 Statutes of Canada, chapter 64; Knox College was incorporated by chapter 69 of the Statutes of the Province of Canada 1858, and Victoria University was incorporated by Royal Charter, and its powers are now set out in chapter 86 of the Statutes of Ontario 1944;

AND WHEREAS the Church and the Board are the beneficiaries of the trust created under The United Church of Canada Act, 1925 Statutes of Ontario, chapter 125, section 14 (e) and have agreed that the property and endowment, undertaking and assets vested in the said Trustees shall be dealt with as hereinafter provided;

AND WHEREAS the Church and the Board have every confidence that without being legally bound so to do Knox College will afford Ministers and members of the Church reasonable facilities to consult the books and contents referred to in paragraph (1) hereof upon their transfer to Knox College, and Victoria University will afford Ministers and members of The Presbyterian Church reasonable facilities to consult the archives referred to in paragraph (2) hereof upon their transfer to Victoria University;

NOW THEREFORE THIS AGREEMENT WITNESSETH: In consideration of the premises and subject to the enactment of appropriate enabling legislation by the Legislature of the Province of Ontario, the Trustees agree:

1. To transfer and convey to and vest in Knox College the books and contents now forming the library of Knox College and the contents of stock rooms, shipping-room, cataloguing-room, librarian's office and reading-room known as the Cavan Library, together with the Library Endowment Fund, whereupon the Church and the Board shall be released from all claims for maintenance and upkeep and salaries under section 14 (e) of The United Church of Canada Act.

2. To transfer and convey to and vest in Victoria University the archives referred to in section 24 the Dominion Commission orders dated 16th April 1927, appointed pursuant to The United Church of Canada Act, 1924 Statutes of Canada, chapter 100.

3. The Parties of the Fourth Part agree to accept the transfer and conveyance referred to above.

4. Upon the transfer and conveyance to the Parties of the Fourth Part referred to above, the Trustees shall be released from all liability in respect of their duties and obligations as trustees appointed pursuant to section 14 (e) of the said Act.

IN WITNESS WHEREOF the parties corporate hereto have each caused to be affixed its corporate seal attested by the hands of its proper officers, and each of the said Trustees has hereunto set his hand and seal.

SIGNED, SEALED AND DELIVERED

in the presence of

L. A. SHERWOOD,

as to signatures of Thomas P. Geggie, William R. Stevens and Gilbert Sutherland.

(Seal) T. P. GEGGIE,
(Seal) G. L. SUTHERLAND,
(Seal) W. R. STEVENS.

THE UNITED CHURCH OF CANADA

(Seal) GORDON A. SISCO,
Secretary, The General Council.

V. T. MOONEY.

THE TRUSTEE BOARD OF THE
PRESBYTERIAN CHURCH IN CANADA

(Seal) E. W. MCNEILL,
B. M. HANNIGAN.

KNOX COLLEGE

(Seal) R. M. SEDGWICK,
E. W. MCNEILL,

(Seal) W. J. LITTLE, *Bursar.*
WILFRID C. JAMES, *Chairman.*

THE BOARD OF REGENTS OF
VICTORIA UNIVERSITY.



1st Reading

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Bill)

No. 22

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Library of Knox College and Certain Archives.

MR. MACKENZIE

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Library of Knox College and Certain Archives.

WHEREAS the trustees appointed under clause *e* of Preamble.
section 14 of *The United Church of Canada Act* (Ontario); 1925, c. 125.
The United Church of Canada, a corporation incorporated
under *The United Church of Canada Act* (Canada); The 14-15 Geo. V,
Trustee Board of The Presbyterian Church in Canada, a ^{c. 100} (Can.)
corporation incorporated under *An Act to incorporate The* 3 Geo. VI
Trustee Board of The Presbyterian Church in Canada (Canada); c. 64 (Can.).
Knox College, a corporation incorporated by *An Act to incor-* 22 Vict.,
porate Knox College, being chapter 69 of the Statutes of the c. 69 (Can.).
Province of Canada, 1858; and Victoria University, a cor-
poration incorporated by Royal Charter, by their petition
have prayed for special legislation in respect of the matter
hereinafter set forth; and whereas it is expedient to grant the
prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Notwithstanding clause *e* of section 14 of *The United* Agreement
Church of Canada Act (Ontario), the agreement between the validated.
trustees appointed under the said clause *e*, The United Church
of Canada, The Trustee Board of The Presbyterian Church in
Canada, Knox College and Victoria University, dated the
20th day of January, 1950, and set forth as the Schedule
hereto, is hereby ratified and confirmed and declared to be
legal, valid and binding upon the parties thereto.

2. This Act shall come into force on the day it receives the Commence-
Royal Assent. ment of Act.

3. This Act may be cited as *The Knox College Library* Short title.
Act, 1950.

SCHEDULE

AGREEMENT entered into this Twentieth day of January, A.D. 1950.

BETWEEN:

THOMAS P. GEGGIE, Chartered Accountant; WILLIAM R. STEVENS, Secretary-Treasurer, and GILBERT SUTHERLAND, Gentleman, all of the City of Toronto, in the County of York, the Trustees referred to in The United Church of Canada Act, 1925 Statutes of Ontario, chapter 125, section 14 (e),

hereinafter referred to as "the Trustees"

OF THE FIRST PART,

THE UNITED CHURCH OF CANADA, a body corporate, having its head office at the City of Toronto,

hereinafter referred to as "the Church"

OF THE SECOND PART,

THE TRUSTEE BOARD OF THE PRESBYTERIAN CHURCH IN CANADA, a body corporate, having its head office at the City of Toronto,

hereinafter referred to as "the Board"

OF THE THIRD PART

—and—

KNOX COLLEGE and VICTORIA UNIVERSITY, bodies corporate, each having its head office at the City of Toronto, the Parties

OF THE FOURTH PART.

WHEREAS the Trustees under The United Church of Canada Act, 1925 Statutes of Ontario, chapter 125, section 14 (e) hold the books and contents, and the contents of the stock rooms, shipping-room, cataloguing-room, librarian's office and reading-room used in connection therewith, which formed the library of Knox College, together with the Library Endowment Fund as therein provided for the benefit of the parties of the Second and Third Parts;

AND WHEREAS the Church was incorporated by The United Church of Canada Act, 1924 Statutes of Canada, 14-15 George V, chapter 100, and re-enacted within the Province of Ontario by Section 21, 1925 Statutes of Ontario, chapter 125; The Board was incorporated by 1939 Statutes of Canada, chapter 64; Knox College was incorporated by chapter 69 of the Statutes of the Province of Canada 1858, and Victoria University was incorporated by Royal Charter, and its powers are now set out in chapter 86 of the Statutes of Ontario 1944;

AND WHEREAS the Church and the Board are the beneficiaries of the trust created under The United Church of Canada Act, 1925 Statutes of Ontario, chapter 125, section 14 (e) and have agreed that the property and endowment, undertaking and assets vested in the said Trustees shall be dealt with as hereinafter provided;

AND WHEREAS the Church and the Board have every confidence that without being legally bound so to do Knox College will afford Ministers and members of the Church reasonable facilities to consult the books and contents referred to in paragraph (1) hereof upon their transfer to Knox College, and Victoria University will afford Ministers and members of The Presbyterian Church reasonable facilities to consult the archives referred to in paragraph (2) hereof upon their transfer to Victoria University;

NOW THEREFORE THIS AGREEMENT WITNESSETH: In consideration of the premises and subject to the enactment of appropriate enabling legislation by the Legislature of the Province of Ontario, the Parties agree:

1. To transfer and convey to and vest in Knox College the books and contents now forming the library of Knox College and the contents of stock rooms, shipping-room, cataloguing-room, librarian's office and reading-room known as the Cavan Library, together with the Library Endowment Fund, whereupon the Church and the Board shall be released from all claims for maintenance and upkeep and salaries under section 14 (e) of The United Church of Canada Act.

2. To transfer and convey to and vest in Victoria University the archives referred to in section 24 the Dominion Commission orders dated 16th April 1927, appointed pursuant to The United Church of Canada Act, 1924 Statutes of Canada, chapter 100.

3. The Parties of the Fourth Part agree to accept the transfer and conveyance referred to above.

4. Upon the transfer and conveyance to the Parties of the Fourth Part referred to above, the Trustees shall be released from all liability in respect of their duties and obligations as trustees appointed pursuant to section 14 (e) of the said Act.

IN WITNESS WHEREOF the parties corporate hereto have each caused to be affixed its corporate seal attested by the hands of its proper officers, and each of the said Trustees has hereunto set his hand and seal.

SIGNED, SEALED AND DELIVERED

in the presence of

L. A. SHERWOOD,

as to signatures of Thomas P. Geggie, William R. Stevens and Gilbert Sutherland.

(Seal) T. P. GEGGIE,

(Seal) G. L. SUTHERLAND,

(Seal) W. R. STEVENS.

THE UNITED CHURCH OF CANADA

(Seal) GORDON A. SISCO,
Secretary, The General Council.

V. T. MOONEY.

THE TRUSTEE BOARD OF THE
PRESBYTERIAN CHURCH IN CANADA

(Seal) E. W. McNEILL,
B. M. HANNIGAN.

(Seal) KNOX COLLEGE
R. M. SEDGWICK,

(Seal) E. W. McNEILL,
W. J. LITTLE,
WILFRID C. JAMES, *Bursar.*
Chairman.

THE BOARD OF REGENTS OF
VICTORIA UNIVERSITY.



1st Reading

March 8th, 1950

2nd Reading

March 15th, 1950

3rd Reading

March 22nd, 1950

MR. MACKENZIE

No. 24

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Town of Leamington.

MR. MURDOCH

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Town of Leamington.

WHEREAS the Corporation of the Town of Leamington Preamble.
 (hereinafter called the Town Corporation) by its petition has prayed for special legislation to confirm its By-law No. 1949 for entrusting the construction, control and management of works for the production, manufacture or supply of certain public utilities to a public utilities commission of the Town, and to provide for the election of members of the Commission; and to amend *An Act respecting the Town of Leamington*, being chapter 73 of the Statutes of Ontario, 1900, c. 73.
 by providing for the termination of certain obligations under the agreement set out in Schedule A to the said Act; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) By-law No. 1949 of the Town Corporation, set out as the Schedule hereto, for entrusting the construction, control and management of works for the production, manufacture or supply of certain public utilities to a public utilities commission to be called The Public Utilities Commission of the Town of Leamington is hereby ratified and confirmed. Confirming by-law for establishment of a public utilities commission.

(2) Notwithstanding the provisions of any statute applicable thereto, four members of the Commission, other than the head of the council, shall be elected in 1950 at the time provided by by-law of the Town Corporation passed pursuant to subsection 1 of section 65 of *The Municipal Act*; and each member so elected shall hold office until his successor is elected and takes office as provided in subsection 3. Election of members of Commission. Rev. Stat., c. 266.

(3) Commencing with the election to be held in the year 1951, and thereafter, the four members of the Commission, other than the head of the council, shall be elected at the same time and place and in the same manner as the head of the council and each member so elected shall hold office for a term of two years and until his successor is elected and takes office. 1951 and subsequent elections.

Local
boards.

(4) Commencing with the municipal election to be held in the year 1951, and thereafter, the provisions of *The Town of Leamington Act, 1931* as to biennial elections shall apply to the election of the members of all local boards in the Town as to the members thereof, respectively, who by statute are required to be elected, and every such election shall take place at the same time and place and be held in the same manner as the election of mayor and council, and each elected member of a local board shall hold office for the term of two years and until his successor is elected and takes office.

Application
of other
Acts.

Rev. Stat.,
cc. 266, 286.

(5) Except as varied or altered by this Act, *The Municipal Act, The Public Utilities Act* and all other Acts now applicable to the said Town relating to elections of its mayor and other members of council and of members of any of its local boards shall be and remain in full force and effect.

Termination
of obligation
to supply
gas under
1900, c. 73.

2. The obligation of the Town Corporation to supply natural gas to the Corporation of the County of Essex for its House of Refuge under the said *An Act respecting the Town of Leamington* and as set forth in the agreement set out in schedule A to that Act shall be deemed to have ceased and been terminated as of the 1st day of October, 1909.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Town of Leamington Act, 1950*.

SCHEDULE A

TOWN OF LEAMINGTON

By-LAW No. 1949

A By-law to provide for entrusting the construction of works for the production, manufacture or supply of certain public utilities and the control and management of the same to a Commission to be called "The Public Utilities Commission of the Town of Leamington".

WHEREAS the Municipal Council of the Corporation of the Town of Leamington did enter into a contract with the Hydro Electric Power Commission of Ontario for the supply of Electrical power or energy and did under its By-law No. 1151, passed and enacted the 16th day of December, 1924, establish a commission called "The Hydro-Electric Commission of the Town of Leamington" pursuant to the provisions of *The Public Utilities Act*, for the control and management of the construction, operation and maintenance of all works undertaken by the Corporation for the distribution and supply of such electrical power or energy.

AND WHEREAS the said Corporation of the Town of Leamington has heretofore acquired, established and has maintained and operated water works for the supply of water to the residents of the Municipality;

AND WHEREAS the said Corporation of the Town of Leamington has heretofore acquired, established, maintained and operated a system for the supply and distribution of natural and other gas;

AND WHEREAS the Municipal Council of the said Corporation of the Town of Leamington deems it desirable to establish a commission to be known as "The Public Utilities Commission of the Town of Leamington" and to entrust the said commission with the construction of the aforesaid works and with the control and management of the same under the provisions of *The Public Utilities Act*; and without restricting the generality of the foregoing including water works and works for the distribution and supply of natural and other gas and of all works undertaken by the Corporation for the distribution and supply of electrical power or energy;

THEREFORE the Corporation of the Town of Leamington by its Municipal Council enacts as follows:

1. That the construction of Public Utilities works in the Town of Leamington and the control and management thereof, including without restricting the generality of the foregoing, water works, works for the supply and distribution of natural and manufactured gas and also works for the supply of electrical power or energy be entrusted to a commission to be called "The Public Utilities Commission of the Town of Leamington."

2. That such commission shall consist of five members, of whom the head of the Council shall ex officio be one as by statute provided and the others to be elected at the same time and place and otherwise as by statute provided.

3. That By-law No. 1151 of the Corporation of the Town of Leamington shall be repealed forthwith upon the election of the Public Utilities Commission of the Town of Leamington.

PASSED AND ENACTED this 30th day of December, 1949.

(Seal)

(Sgd.) A. W. BENNIE,

Mayor.

(Sgd.) W. E. SELKIRK,

Clerk.



An Act respecting the Town of
Leamington.

1st Reading

2nd Reading

3rd Reading

MR. MURDOCH

(*Private Bill*)

No. 24

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Town of Leamington.

MR. MURDOCH

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Town of Leamington.

WHEREAS the Corporation of the Town of Leamington Preamble.
(hereinafter called the Town Corporation) by its petition has prayed for special legislation to confirm its By-law No. 1949 for entrusting the construction, control and management of works for the production, manufacture or supply of certain public utilities to a public utilities commission of the Town, and to provide for the election of members of the Commission; and to amend *An Act respecting the Town of Leamington*, being chapter 73 of the Statutes of Ontario, 1900, 1900, c. 73. by providing for the termination of certain obligations under the agreement set out in Schedule A to the said Act; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) By-law No. 1949 of the Town Corporation, set out as the Schedule hereto, for entrusting the construction, control and management of works for the production, manufacture or supply of certain public utilities to a public utilities commission to be called The Public Utilities Commission of the Town of Leamington is hereby ratified and confirmed. Confirming by-law for establishment of a public utilities commission.

(2) Notwithstanding the provisions of any statute applicable thereto, four members of the Commission, other than the head of the council, shall be elected in 1950 at the time provided by by-law of the Town Corporation passed pursuant to subsection 1 of section 65 of *The Municipal Act*; and each member so elected shall hold office until his successor is elected and takes office as provided in subsection 3. Election of members of Commission. Rev. Stat., c. 266.

(3) Commencing with the election to be held in the year 1951, and thereafter, the four members of the Commission, other than the head of the council, shall be elected at the same time and place and in the same manner as the head of the council and each member so elected shall hold office for a term of two years and until his successor is elected and takes office. 1951 and subsequent elections.

Local
boards.

(4) Commencing with the municipal election to be held in the year 1951, and thereafter, the provisions of *The Town of Leamington Act, 1931* as to biennial elections shall apply to the election of the members of all local boards in the Town as to the members thereof, respectively, who by statute are required to be elected, and every such election shall take place at the same time and place and be held in the same manner as the election of mayor and council, and each elected member of a local board shall hold office for the term of two years and until his successor is elected and takes office.

Application
of other
Acts.

Rev. Stat.,
cc. 266, 286.

(5) Except as varied or altered by this Act, *The Municipal Act, The Public Utilities Act* and all other Acts now applicable to the said Town relating to elections of its mayor and other members of council and of members of any of its local boards shall be and remain in full force and effect.

Termination
of obligation
to supply
gas under
1900, c. 73.

2. The obligation of the Town Corporation to supply natural gas to the Corporation of the County of Essex for its House of Refuge under the said *An Act respecting the Town of Leamington* and as set forth in the agreement set out in schedule A to that Act shall be deemed to have ceased and been terminated as of the 1st day of October, 1909.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Town of Leamington Act, 1950*.

SCHEDULE

TOWN OF LEAMINGTON

BY-LAW No. 1949

A By-law to provide for entrusting the construction of works for the production, manufacture or supply of certain public utilities and the control and management of the same to a Commission to be called "The Public Utilities Commission of the Town of Leamington".

WHEREAS the Municipal Council of the Corporation of the Town of Leamington did enter into a contract with the Hydro Electric Power Commission of Ontario for the supply of Electrical power or energy and did under its By-law No. 1151, passed and enacted the 16th day of December, 1924, establish a commission called "The Hydro-Electric Commission of the Town of Leamington" pursuant to the provisions of *The Public Utilities Act*, for the control and management of the construction, operation and maintenance of all works undertaken by the Corporation for the distribution and supply of such electrical power or energy.

AND WHEREAS the said Corporation of the Town of Leamington has heretofore acquired, established and has maintained and operated water works for the supply of water to the residents of the Municipality;

AND WHEREAS the said Corporation of the Town of Leamington has heretofore acquired, established, maintained and operated a system for the supply and distribution of natural and other gas;

AND WHEREAS the Municipal Council of the said Corporation of the Town of Leamington deems it desirable to establish a commission to be known as "The Public Utilities Commission of the Town of Leamington" and to entrust the said commission with the construction of the aforesaid works and with the control and management of the same under the provisions of *The Public Utilities Act*; and without restricting the generality of the foregoing including water works and works for the distribution and supply of natural and other gas and of all works undertaken by the Corporation for the distribution and supply of electrical power or energy;

THEREFORE the Corporation of the Town of Leamington by its Municipal Council enacts as follows:

1. That the construction of Public Utilities works in the Town of Leamington and the control and management thereof, including without restricting the generality of the foregoing, water works, works for the supply and distribution of natural and manufactured gas and also works for the supply of electrical power or energy be entrusted to a commission to be called "The Public Utilities Commission of the Town of Leamington."
2. That such commission shall consist of five members, of whom the head of the Council shall ex officio be one as by statute provided and the others to be elected at the same time and place and otherwise as by statute provided.
3. That By-law No. 1151 of the Corporation of the Town of Leamington shall be repealed forthwith upon the election of the Public Utilities Commission of the Town of Leamington.

PASSED AND ENACTED this 30th day of December, 1949.

(Seal)

(Sgd.) A. W. BENNIE, Mayor.
(Sgd.) W. E. SELKIRK, Clerk.



An Act respecting the Town of
Leamington.

1st Reading

March 8th, 1950

2nd Reading

March 20th, 1950

3rd Reading

March 23rd, 1950

MR. MURDOCH

No. 25

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

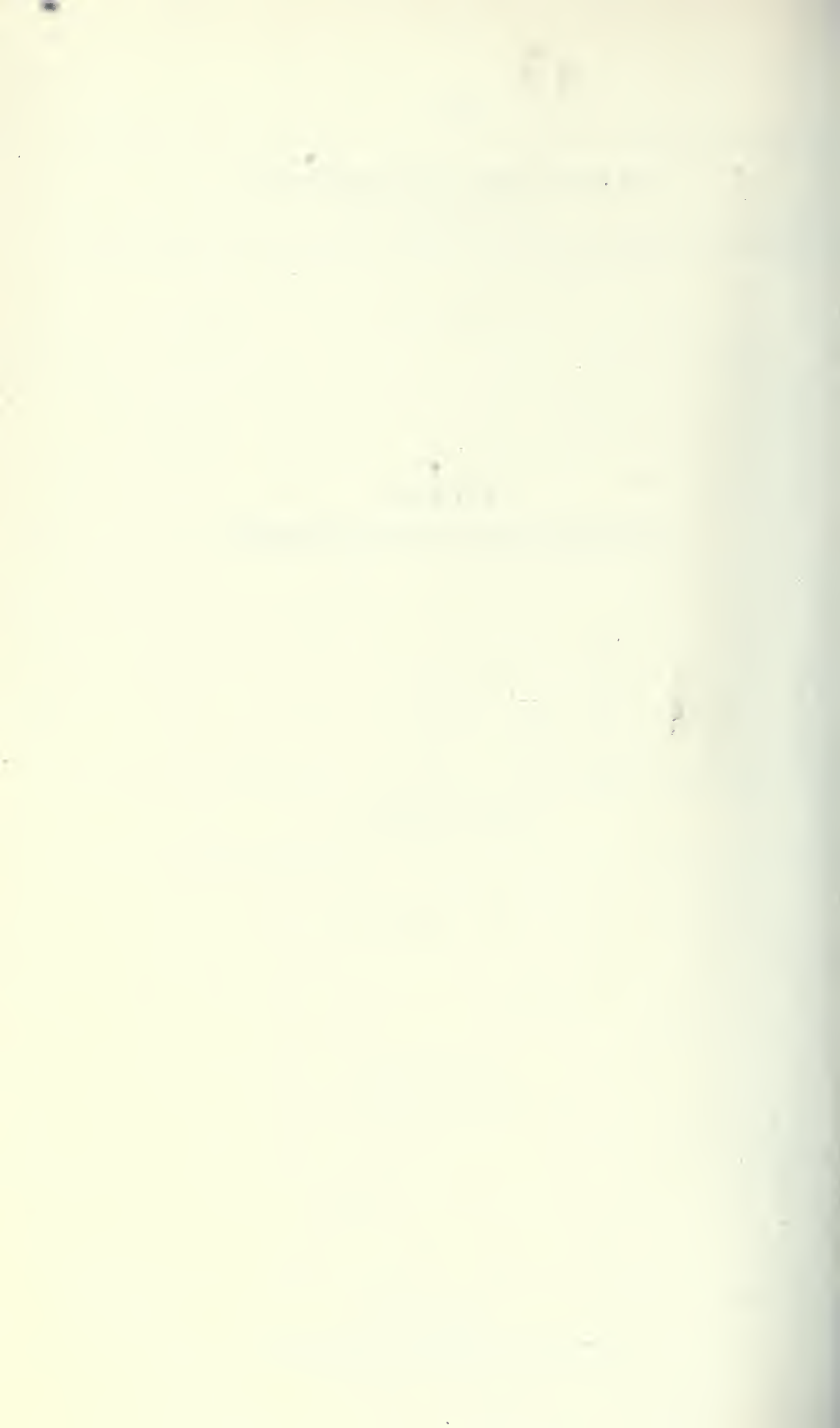
BILL

An Act respecting the Town of Alexandria.

MR. VILLENEUVE

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Town of Alexandria.

WHEREAS the Corporation of the Town of Alexandria Preamble.
by its petition has prayed for special legislation in
relation to its waterworks undertaking and as to the purchase
of certain mill properties and the water rights, powers and
privileges connected therewith and as to disposal of such mill
properties; and whereas it is expedient to grant the prayer of
the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

- 1.**—(1) For the purposes of its municipal waterworks under- Special powers of Corporation for waterworks purposes.
taking the Corporation of the Town of Alexandria, herein-
after called the Corporation, may,
- (a) exercise and use all or any of the rights, powers and Rights, etc., under 1869, c. 72;
privileges granted to Donald Alexander Macdonald,
his heirs and assigns, by sections 1, 2, 3 and 4 of
*An Act to enable Donald Alexander Macdonald to
construct a Canal in the Township of Kenyon*, being
chapter 72 of the Statutes of Ontario, 1869 (herein-
after called the Macdonald Act), as fully and effec-
tually as if such rights, powers and privileges had
been granted to the Corporation for the purposes of
its municipal waterworks undertaking instead of the
purposes mentioned in the said Act;
 - (b) divert, take and use the waters of the River Garry Use of waters of River and Lake Garry.
and Lake Garry, provided it does not thereby
diminish the natural flow of the water in any other
streams running from Lake Garry;
 - (c) construct, lay, install, maintain, operate and use all Construction of works, etc.
such dams, control works, aqueducts, pipes, conduits
and other works, plant, machinery and appliances
necessary or incidental to the exercise and use of the
rights, powers and privileges mentioned in clauses
a and *b*.

Rights, etc.,
additional
to general
powers.

Rev. Stat.,
cc. 286, 266.

Arbitration
of certain
claims.

Saving
clause as to
claims.

Purchase
of mill
properties
confirmed.

Sale of part
of mill
properties
confirmed.

Power to
sell balance
of mill
properties.

Commence-
ment of Act.

Short title.

(2) Nothing in subsection 1 shall be deemed to abrogate or limit in any way the rights and powers of the Corporation with respect to its municipal waterworks undertaking under the provisions of *The Public Utilities Act*, *The Municipal Act* and any other general Act, but the rights, powers and privileges conferred by this Act shall be deemed to supplement the rights and powers of the Corporation under the said Acts.

2.—(1) If any claim for payment of the value of land taken or overflowed or for damages still lawfully subsists or arises under section 5 of the Macdonald Act, such claim shall be determined by arbitration pursuant to the provisions of Part XV of *The Municipal Act* and the provisions of sections 5 to 10 of the Macdonald Act with respect to arbitration of such claim shall not apply thereto.

(2) Nothing in subsection 1 shall be deemed to create or revive in any way any claim which otherwise did not subsist or could not arise.

3.—(1) The purchase by the Corporation from Lloyd McHugh in the year 1949 of the mill properties and water rights, powers and privileges included in such purchase, being the mill properties and water rights, powers and privileges to which the Macdonald Act has applied, is hereby ratified and confirmed.

(2) The sale by the Corporation to the Glengarry Farmers' Co-operative in the year 1949 of certain parts of the said mill properties without the said water rights, powers and privileges, is hereby ratified and confirmed and shall be binding upon the Corporation.

(3) The council of the Corporation may in its discretion at any time sell or otherwise dispose of the remaining portions of the said mill properties it has acquired, without the said water rights, powers and privileges.

4. This Act shall come into force on the day it receives the Royal Assent.

5. This Act may be cited as *The Town of Alexandria Act, 1950*.



An Act respecting the Town of
Alexandria.

1st Reading

2nd Reading

3rd Reading

MR. VILLENEUVE

(*Private Bill*)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Town of Alexandria.

MR. VILLENEUVE

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Town of Alexandria.

WHEREAS the Corporation of the Town of Alexandria Preamble.
by its petition has prayed for special legislation in relation to its waterworks undertaking and as to the purchase of certain mill properties and the water rights, powers and privileges connected therewith and as to disposal of such mill properties; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) For the purposes of its municipal waterworks undertaking the Corporation of the Town of Alexandria, hereinafter called the Corporation, may, Special powers of Corporation for waterworks purposes.

- (a) exercise and use all or any of the rights, powers and privileges granted to Donald Alexander Macdonald, his heirs and assigns, by sections 1, 2, 3 and 4 of *An Act to enable Donald Alexander Macdonald to construct a Canal in the Township of Kenyon*, being chapter 72 of the Statutes of Ontario, 1869 (hereinafter called the Macdonald Act), as fully and effectually as if such rights, powers and privileges had been granted to the Corporation for the purposes of its municipal waterworks undertaking instead of the purposes mentioned in the said Act; Rights, etc., under 1869, c. 72;
- (b) divert, take and use the waters of the River Garry and Lake Garry, provided it does not thereby diminish the natural flow of the water in any other streams running from Lake Garry; Use of waters of River and Lake Garry.
- (c) construct, lay, install, maintain, operate and use all such dams, control works, aqueducts, pipes, conduits and other works, plant, machinery and appliances necessary or incidental to the exercise and use of the rights, powers and privileges mentioned in clauses *a* and *b*. Construction of works, etc.

Rights, etc.,
additional
to general
powers.

Rev. Stat.,
cc. 286, 266.

(2) Nothing in subsection 1 shall be deemed to abrogate or limit in any way the rights and powers of the Corporation with respect to its municipal waterworks undertaking under the provisions of *The Public Utilities Act*, *The Municipal Act* and any other general Act, but the rights, powers and privileges conferred by this Act shall be deemed to supplement the rights and powers of the Corporation under the said Acts.

Arbitration
of certain
claims.

2.—(1) If any claim for payment of the value of land taken or overflowed or for damages still lawfully subsists or arises under section 5 of the Macdonald Act, such claim shall be determined by arbitration pursuant to the provisions of Part XV of *The Municipal Act* and the provisions of sections 5 to 10 of the Macdonald Act with respect to arbitration of such claim shall not apply thereto.

Saving
clause as to
claims.

(2) Nothing in subsection 1 shall be deemed to create or revive in any way any claim which otherwise did not subsist or could not arise.

Purchase
of mill
properties
confirmed.

3.—(1) The purchase by the Corporation from Lloyd McHugh in the year 1949 of the mill properties and water rights, powers and privileges included in such purchase, being the mill properties and water rights, powers and privileges to which the Macdonald Act has applied, is hereby ratified and confirmed.

Sale of part
of mill
properties
confirmed.

(2) The sale by the Corporation to the Glengarry Farmers' Co-operative in the year 1949 of certain parts of the said mill properties without the said water rights, powers and privileges, is hereby ratified and confirmed and shall be binding upon the Corporation.

Power to
sell balance
of mill
properties.

(3) The council of the Corporation may in its discretion at any time sell or otherwise dispose of the remaining portions of the said mill properties it has acquired, without the said water rights, powers and privileges.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Town of Alexandria Act*, 1950.



An Act respecting the Town of
Alexandria.

1st Reading

March 8th, 1950

2nd Reading

March 20th, 1950

3rd Reading

March 23rd, 1950

MR. VILLENEUVE

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Town of Riverside.

MR. MURDOCH

(PRIVATE BILL)



BILL

An Act respecting the Town of Riverside.

WHEREAS the Corporation of the Town of Riverside Preamble.
by its petition has represented that the Town has for many years formed a portion of the County of Essex and is desirous of withdrawing from the County and becoming a separated municipality; and whereas the Town has notified the council of the County of its intention to apply for the withdrawal of the Town from the jurisdiction of the County; and whereas the council of the Town on the 8th day of December, 1948, did submit for the opinion of the electors of the Town the question "Are you in favour of the Town of Riverside withdrawing from the County of Essex and becoming a separated municipality?", upon which question 1,168 of the electors voted in the affirmative and 435 voted in the negative, and by reason thereof the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation.

(a) "Town" means the Town of Riverside;

(b) "County" means the County of Essex.

2. On and after the 1st day of January, 1951, the Town shall be withdrawn and for municipal purposes shall be separated from the County. Town withdrawn from County.

3. On and after the 1st day of January, 1951, the costs and expenses of the County court house and gaol and of all other matters and things set forth in section 392 of *The Municipal Act* shall be borne and paid as between the County and the Town as provided in that Act. Liability of Town re court house, etc. Rev. Stat., c. 266.

4. The provisions of *The Municipal Act* in relation to matters consequent upon the formation of a new corporation Application of Rev. Stat., c. 266.

and as to the adjustment of assets and liabilities as between the corporation of a county and the corporation of a town, not being a separated town, which is erected into a city, shall apply as between the County and the Town except that subsection 6 of section 38 of that Act shall be deemed not to apply.

Town
council.

5.—(1) After the year 1950 the council of the Town shall be composed of a mayor and five councillors, and shall be elected in the manner provided in *The Municipal Act* for the council of a town in a county, except there shall be no reeve or deputy reeve.

Election
of 1951
council.

(2) The election of the council of the Town for the year 1951 and all proceedings incidental thereto shall be held in the manner provided for in the by-laws of the Town in effect on the 1st day of November, 1950, except that no reeve or deputy reeve shall be elected for 1951.

Commence-
ment of Act.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Town of Riverside Act, 1950*.



An Act respecting the Town of Riverside.

1st Reading

2nd Reading

3rd Reading

MR. MURDOCH

(*Private Bill*)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Town of Riverside.

MR. MURDOCH



BILL

An Act respecting the Town of Riverside.

WHEREAS the Corporation of the Town of Riverside Preamble.
by its petition has represented that the Town has for many years formed a portion of the County of Essex and is desirous of withdrawing from the County and becoming a separated municipality; and whereas the Town has notified the council of the County of its intention to apply for the withdrawal of the Town from the jurisdiction of the County; and whereas the council of the Town on the 8th day of December, 1948, did submit for the opinion of the electors of the Town the question "Are you in favour of the Town of Riverside withdrawing from the County of Essex and becoming a separated municipality?", upon which question 1,168 of the electors voted in the affirmative and 435 voted in the negative, and by reason thereof the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation.

(a) "Town" means the Town of Riverside;

(b) "County" means the County of Essex.

2. On and after the 1st day of January, 1951, the Town shall be withdrawn and for municipal purposes shall be Town withdrawn from County. separated from the County.

3. On and after the 1st day of January, 1951, the costs and expenses of the County court house and gaol and of all other matters and things set forth in section 392 of *The Municipal Act* shall be borne and paid as between the County Liability of Town re court house, etc. Rev. Stat., c. 266. and the Town as provided in that Act.

4. The provisions of *The Municipal Act* in relation to matters consequent upon the formation of a new corporation Application of Rev. Stat., c. 266.

and as to the adjustment of assets and liabilities as between the corporation of a county and the corporation of a town, not being a separated town, which is erected into a city, shall apply as between the County and the Town except that subsection 6 of section 38 of that Act shall be deemed not to apply.

Town
council.

5.—(1) After the year 1950 the council of the Town shall be composed of a mayor and five councillors, and shall be elected in the manner provided in *The Municipal Act* for the council of a town in a county, except there shall be no reeve or deputy reeve.

Election
of 1951
council.

(2) The election of the council of the Town for the year 1951 and all proceedings incidental thereto shall be held in the manner provided for in the by-laws of the Town in effect on the 1st day of November, 1950, except that no reeve or deputy reeve shall be elected for 1951.

Commence-
ment of Act.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Town of Riverside Act, 1950*.



An Act respecting the Town of Riverside.

1st Reading

February 28th, 1950

2nd Reading

March 15th, 1950

3rd Reading

March 22nd, 1950

MR. MURDOCH

No. 27

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Township of Sandwich West.

MR. MURDOCH

(PRIVATE BILL)



No. 27

1950

BILL

An Act respecting the Township of Sandwich West.

WHEREAS the Corporation of the Township of Sandwich West by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the said Corporation may provide by by-law that, where the sum of the taxes imposed in any year for municipal, school and other purposes (except local improvement rates or charges) upon any vacant lot or upon any two or more vacant lots assessed together in one parcel would according to the assessment thereon be less than \$3, the sum of such taxes shall be deemed to be \$3 and shall be so entered on the collector's roll, and the difference between the sum that would have been imposed and the sum of \$3 shall form part of the general funds of the Corporation.

Minimum
tax on
vacant land.

2. Section 2 of *The Township of Sandwich West Act, 1939* is repealed.

1939,
c. 72, s. 2,
repealed.

3. This Act shall come into force on the day it receives the Royal Assent.

Commence-
ment of Act.

4. This Act may be cited as *The Township of Sandwich West Act, 1950*.

Short title.

An Act respecting the Township of
Sandwich West.

1st Reading

2nd Reading

3rd Reading

MR. MURDOCH

(*Private Bill*)

No. 28

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Township of North York.

MR. MACKENZIE

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Township of North York.

WHEREAS the Corporation of the Township of North York by its petition has prayed for special legislation in regard to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Agreement made between the said Corporation and the Corporations of the Townships of Markham and Vaughan and the Village of Richmond Hill and The Toronto Transportation Commission dated the 2nd day of January, 1950, for the operation of a motor bus service on Yonge Street from the northern limit of the Village of Richmond Hill to the northern limit of the City of Toronto, set out as the Schedule hereto, is hereby validated and confirmed and declared binding upon the parties thereto.

Agreement validated.

(2) Nothing in this Act or the said Agreement shall be construed as affecting the powers conferred on the Minister of Highways by *The Public Vehicle Act, 1949*.

Minister of Highways' powers not affected.
1949, c. 86.

2. In the event of the revenue from the operation of the motor bus service being greater or less than the operating costs, the surplus revenue or deficit, as the case may be, shall be divided amongst or paid by the municipalities, parties to the Agreement, in the following proportions:

Surplus or deficit credited or charged to municipalities.

The Corporation of the Township of North York, fifty-five per cent;

The Corporation of the Township of Markham, eleven per cent;

The Corporation of the Township of Vaughan, eleven per cent;

The Corporation of the Village of Richmond Hill, twenty-three per cent.

Application
of surplus
or deficit.

3. By-laws may be passed by council of each of the said municipalities,

- (a) providing that any deficit in the operation of any bus line in the municipality shall be assessed against, and any surplus shall be credited to the rateable property in the area within the municipality defined in the by-law; or
- (b) providing that any such deficit shall be assessed against the rateable property in the whole municipality, and that any such surplus shall be credited to the general funds of the municipality.

Payments of
operating
profits from
radial
railway
confirmed.

1930, c. 90.

4. Payments may be made by the Corporations of the Townships of North York, Markham and Vaughan, and of the Village of Richmond Hill of operating profits accruing to the said municipalities in connection with the railway purchased and operated pursuant to the provisions of *The Township of North York Act, 1930*, to the ratepayers of areas defined by the said Townships and of Richmond Hill, and payments heretofore made by the said municipalities to the said ratepayers in connection therewith are hereby ratified and confirmed.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Township of North York Act, 1950*.

SCHEDULE

THIS AGREEMENT made this Second day of January, one thousand nine hundred and fifty.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK,
THE CORPORATION OF THE TOWNSHIP OF MARKHAM,
THE CORPORATION OF THE TOWNSHIP OF VAUGHAN, and
THE CORPORATION OF THE VILLAGE OF RICHMOND HILL,

hereinafter called "the Corporations"

OF THE FIRST PART,

--and--

THE TORONTO TRANSPORTATION COMMISSION,
hereinafter called "the Commission"

OF THE SECOND PART.

WHEREAS by Agreement dated the 17th day of July, 1930, and ratified by statute of the Province of Ontario, 31 Geo. V, Chapter 114, section 6, the Commission operated an electric railway on Yonge Street from the northern limit of Richmond Hill to the northern limit of the City of Toronto;

AND WHEREAS such agreement has been extended from time to time until the present time by mutual agreement of the parties thereto;

AND WHEREAS at the request of the Corporations the Commission has for some time been operating a motor bus service on Yonge Street as aforesaid in place of the railway referred to in such agreement;

AND WHEREAS the ratepayers of each of the Corporations have indicated by plebiscite that they desire the operation of the service above referred to by motor buses in place of the said railway;

AND WHEREAS the Commission has agreed with the Corporations to operate a motor bus service as hereinafter set out in place of the said railway;

AND WHEREAS by By-law No. 6473 of the Township of North York; By-law No. 1260 of the Township of Markham; By-law No. 1655 of the Township of Vaughan, and By-law No. 575 of the Village of Richmond Hill, the Corporations have authorized the execution and delivery of this agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto have agreed as follows:

1. The Commission will, provided the terms hereof are fulfilled, operate a transportation service on Yonge Street and/or Yonge Boulevard, by motor buses between the north limit of Richmond Hill and the north limit of the City of Toronto, for the period and on the terms hereinafter set out.

2. The said service shall be furnished by motor buses of modern type capable of maintaining a satisfactory speed and giving adequate and reasonable service.

3. The Commission shall have the sole management of the said service and shall arrange for the motor buses, crews, and necessary equipment, hours of service, running time, stops and everything else necessary or incidental to the said service.

4. The Commission, subject to the approval of the Corporations, shall fix the tolls and fares to be charged on the said motor bus service and in

so doing shall endeavour to fix such tolls and fares so that the revenue derived from the operation of such service shall be sufficient to meet the full cost thereof. In case one or more of the Corporations objects to the tolls and fares charged or proposed to be charged by the Commission, the matter shall be determined by the Ontario Municipal Board, the decision of which shall be final.

5. The Corporations agree that during the term of this agreement they will take all means within their power to ensure to the Commission the exclusive right of furnishing in any manner whatsoever, local transportation on Yonge Street by the said motor bus line and that in particular they will pass and enforce such by-laws as they may legally pass to prevent the operation of buses or jitneys upon such street, and the Commission agrees that it will not, either itself or through any company or corporation which it directly or indirectly controls, operate any system of buses on such street so as to compete with the said motor bus service. It is understood that the carriage of passengers to and from points north of the south side of the cross roads at Elgin Mills, being the north limit of Lot number 50, Concession I, Townships of Vaughan and Markham, from or to points within the area served by the motor bus service, or the operation by any of the Corporations of feeder or school buses, shall not be deemed competition within the meaning of this section.

6. When any of the Corporations desire to do any work which may in any way affect the said motor bus service, it shall, except in cases of emergency, give the Commission reasonable notice thereof.

7. All claims, or actions for alleged negligence in the operation of said service shall be made against the Commission and dealt with by it and the Commission shall have, through its solicitor, the conduct and control of such claims and actions and of any action brought against the Corporations or any of them in respect of such alleged negligence and may defend or compromise the same as it deems expedient.

8. In respect of injuries and damages, the only amount chargeable by the Commission shall be the same annual cost per car and bus mile as is from time to time incurred by the Commission in the operation of its street cars, buses and coaches in and about the City of Toronto, in respect of such items, including therein administration and legal expenses.

9. The Commission is to be allowed the sum of seven per cent of the gross total expenses of operation to reimburse it for its cost of administration and management in connection with the operation of the said motor bus service, and such moneys shall be retained by the Commission for its own use.

10. After the close of each calendar year the Commission will prepare a report to the Corporations giving a complete certified financial statement of its operation of the said bus service during the preceding year and such statement shall, if the Corporations or any of them so desire, be subject to an audit by one independent auditor to be agreed on by the Corporations and the Commission, or in case of dispute, to be selected by the Ontario Municipal Board.

11. The Treasurer of any of the Corporations or, with the approval of the Commission, any other qualified person authorized by the Council of any such Corporations in the place of the Treasurer, shall at all times during the currency of this agreement, have, on request, access to the books and vouchers of the Commission dealing with receipts or expenditures in connection with the services provided for hereunder, and the Corporations shall once a year during the currency of this agreement, have the right to have one independent audit made of the books and vouchers of the Commission dealing with the operation of the said motor bus service by a qualified auditor. In the event of the Corporations and the Commission being unable to agree upon such an auditor the Ontario Municipal Board shall have power to select an auditor to make such audit.

12. The system of accounting to be used by the Commission shall be the classification of accounts for Transit Systems in Canada prescribed by the Dominion Bureau of Statistics dated January 1st, 1946, and any future modifications thereof.

13. Should the gross revenues exceed the cost of operation the Corporations shall receive the surplus revenue quarterly in the following proportions:—

The Corporation of the Township of North York, 55 per cent;
 The Corporation of the Township of Markham, 11 per cent;
 The Corporation of the Township of Vaughan, 11 per cent;
 The Corporation of the Village of Richmond Hill, 23 per cent.

14. If for any reason the revenue from the said motor bus service for a period of three consecutive calendar months shall be insufficient to meet the cost of operation and maintenance for such period the Corporations shall pay to the Commission forthwith on demand the amount of any such deficiency in the following proportions:—

The Corporation of the Township of North York, 55 per cent;
 The Corporation of the Township of Markham, 11 per cent;
 The Corporation of the Township of Vaughan, 11 per cent;
 The Corporation of the Village of Richmond Hill, 23 per cent.

15. In the event of the neglect of any of the Corporations to pay their proper proportion of any amount provided for by the next preceding paragraph within thirty (30) days of demand, the Commission may, without further notice, discontinue the operation of the said bus service and it and the other parties hereto may recover from the Corporation in default any damage sustained by reason of such default, but such discontinuance of operation shall not release any party hereto from its obligations under this agreement. And provided further that the Corporations not in default, without prejudice to their rights under this agreement, may at their option pay the amount in default by the other Corporation or Corporations and shall have the right to recover the amount of such payment from any such Corporation in default, and in such event the Commission shall continue operation of the said bus service.

16. This agreement shall continue in force for a period of ten years.

17. Should the motor bus service contemplated by this agreement cease operation at any time during its currency by reason of action of the Corporations, Gray Coach Lines Limited, the subsidiary of the Commission, may forthwith apply to the Minister of Highways for the right to operate motor buses or coaches on Yonge Street within the area covered by this agreement either under the permit now held by this Company or a new permit to be granted, and each of the Corporations will upon request of the Commission consent in writing to the granting of such application by the Minister and undertakes not to give any similar consent to any other person, other than one or more of such Corporations. Should one or more of such Corporations apply for such rights, Gray Coach Lines Limited shall not be precluded in any way from proceeding with its application as aforesaid.

18. The parties hereto agree to use their best endeavours to have this agreement ratified and confirmed by legislation at the next ensuing session of the Legislature of the Province of Ontario.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals attested by the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED:

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK,

(Sgd.) GEO. H. MITCHELL,
Reeve.

(Seal)

(Sgd.) A. G. STANDING,
Clerk.

THE CORPORATION OF THE TOWNSHIP OF MARKHAM,

(Sgd.) VERNON W. GRIFFIN,
Reeve.

(Seal)

(Sgd.) CHAS. HOOVER,
Clerk.

THE CORPORATION OF THE TOWNSHIP OF VAUGHAN,

(Sgd.) JOHN HOISTRAUSER,
Reeve.

(Seal)

(Sgd.) J. M. McDONALD,
Clerk.

THE CORPORATION OF THE VILLAGE OF RICHMOND HILL,

(Sgd.) PERCY C. HILL,
Reeve.

(Seal)

(Sgd.) RUSSELL LYNETT,
Clerk.

THE TORONTO TRANSPORTATION COMMISSION,

(Sgd.) WM. C. MCBRIEN,
Chairman.

(Seal)

(Sgd.) C. A. WARD,
Secretary.



An Act respecting the Township of
North York.

1st Reading

February 28th, 1950

2nd Reading

3rd Reading

MR. MACKENZIE

(*Private Bill*)

No. 28

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Township of North York.

MR. MACKENZIE

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Township of North York.

WHEREAS the Corporation of the Township of North York by its petition has prayed for special legislation in regard to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Agreement made between the said Corporation and the Corporations of the Townships of Markham and Vaughan and the Village of Richmond Hill and The Toronto Transportation Commission dated the 2nd day of January, 1950, for the operation of a motor bus service on Yonge Street from the northern limit of the Village of Richmond Hill to the northern limit of the City of Toronto, set out as the Schedule hereto, is hereby validated and confirmed and declared binding upon the parties thereto. Agreement validated.

(2) Nothing in this Act or the said Agreement shall be construed as affecting the powers conferred on the Minister of Highways by *The Public Vehicle Act, 1949*. Minister of Highways' powers not affected.
1949, c. 86.

2. In the event of the revenue from the operation of the motor bus service being greater or less than the operating costs, the surplus revenue or deficit, as the case may be, shall be divided amongst or paid by the municipalities, parties to the Agreement, in the following proportions: Surplus or deficit credited or charged to municipalities.

The Corporation of the Township of North York, fifty-five per cent;

The Corporation of the Township of Markham, eleven per cent;

The Corporation of the Township of Vaughan, eleven per cent;

The Corporation of the Village of Richmond Hill, twenty-three per cent.

Application
of surplus
or deficit.

3. By-laws may be passed by council of each of the said municipalities,

(a) providing that any deficit in the operation of any bus line in the municipality shall be assessed against, and any surplus shall be credited to the rateable property in the area within the municipality defined in the by-law; or

(b) providing that any such deficit shall be assessed against the rateable property in the whole municipality, and that any such surplus shall be credited to the general funds of the municipality.

Payments of
operating
profits from
radial
railway
confirmed.

'1930, c. 90.'

4. Payments may be made by the Corporations of the Townships of North York, Markham and Vaughan, and of the Village of Richmond Hill of operating profits accruing to the said municipalities in connection with the railway purchased and operated pursuant to the provisions of *The Township of North York Act, 1930*, to the ratepayers of areas defined by the said Townships and of Richmond Hill, and payments heretofore made by the said municipalities to the said ratepayers in connection therewith are hereby ratified and confirmed.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Township of North York Act, 1950*.

SCHEDULE

THIS AGREEMENT made this Second day of January, one thousand nine hundred and fifty.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK,
THE CORPORATION OF THE TOWNSHIP OF MARKHAM,
THE CORPORATION OF THE TOWNSHIP OF VAUGHAN, and
THE CORPORATION OF THE VILLAGE OF RICHMOND HILL,

hereinafter called "the Corporations"

OF THE FIRST PART,

--and--

THE TORONTO TRANSPORTATION COMMISSION,
hereinafter called "the Commission"

OF THE SECOND PART.

WHEREAS by Agreement dated the 17th day of July, 1930, and ratified by statute of the Province of Ontario, 31 Geo. V, Chapter 114, section 6, the Commission operated an electric railway on Yonge Street from the northern limit of Richmond Hill to the northern limit of the City of Toronto;

AND WHEREAS such agreement has been extended from time to time until the present time by mutual agreement of the parties thereto;

AND WHEREAS at the request of the Corporations the Commission has for some time been operating a motor bus service on Yonge Street as aforesaid in place of the railway referred to in such agreement;

AND WHEREAS the ratepayers of each of the Corporations have indicated by plebiscite that they desire the operation of the service above referred to by motor buses in place of the said railway;

AND WHEREAS the Commission has agreed with the Corporations to operate a motor bus service as hereinafter set out in place of the said railway;

AND WHEREAS by By-law No. 6473 of the Township of North York; By-law No. 1260 of the Township of Markham; By-law No. 1655 of the Township of Vaughan, and By-law No. 575 of the Village of Richmond Hill, the Corporations have authorized the execution and delivery of this agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto have agreed as follows:

1. The Commission will, provided the terms hereof are fulfilled, operate a transportation service on Yonge Street and/or Yonge Boulevard, by motor buses between the north limit of Richmond Hill and the north limit of the City of Toronto, for the period and on the terms hereinafter set out.

2. The said service shall be furnished by motor buses of modern type capable of maintaining a satisfactory speed and giving adequate and reasonable service.

3. The Commission shall have the sole management of the said service and shall arrange for the motor buses, crews, and necessary equipment, hours of service, running time, stops and everything else necessary or incidental to the said service.

4. The Commission, subject to the approval of the Corporations, shall fix the tolls and fares to be charged on the said motor bus service and in

so doing shall endeavour to fix such tolls and fares so that the revenue derived from the operation of such service shall be sufficient to meet the full cost thereof. In case one or more of the Corporations objects to the tolls and fares charged or proposed to be charged by the Commission, the matter shall be determined by the Ontario Municipal Board, the decision of which shall be final.

5. The Corporations agree that during the term of this agreement they will take all means within their power to ensure to the Commission the exclusive right of furnishing in any manner whatsoever, local transportation on Yonge Street by the said motor bus line and that in particular they will pass and enforce such by-laws as they may legally pass to prevent the operation of buses or jitneys upon such street, and the Commission agrees that it will not, either itself or through any company or corporation which it directly or indirectly controls, operate any system of buses on such street so as to compete with the said motor bus service. It is understood that the carriage of passengers to and from points north of the south side of the cross roads at Elgin Mills, being the north limit of Lot number 50, Concession I, Townships of Vaughan and Markham, from or to points within the area served by the motor bus service, or the operation by any of the Corporations of feeder or school buses, shall not be deemed competition within the meaning of this section.

6. When any of the Corporations desire to do any work which may in any way affect the said motor bus service, it shall, except in cases of emergency, give the Commission reasonable notice thereof.

7. All claims, or actions for alleged negligence in the operation of said service shall be made against the Commission and dealt with by it and the Commission shall have, through its solicitor, the conduct and control of such claims and actions and of any action brought against the Corporations or any of them in respect of such alleged negligence and may defend or compromise the same as it deems expedient.

8. In respect of injuries and damages, the only amount chargeable by the Commission shall be the same annual cost per car and bus mile as is from time to time incurred by the Commission in the operation of its street cars, buses and coaches in and about the City of Toronto, in respect of such items, including therein administration and legal expenses.

9. The Commission is to be allowed the sum of seven per cent of the gross total expenses of operation to reimburse it for its cost of administration and management in connection with the operation of the said motor bus service, and such moneys shall be retained by the Commission for its own use.

10. After the close of each calendar year the Commission will prepare a report to the Corporations giving a complete certified financial statement of its operation of the said bus service during the preceding year and such statement shall, if the Corporations or any of them so desire, be subject to an audit by one independent auditor to be agreed on by the Corporations and the Commission, or in case of dispute, to be selected by the Ontario Municipal Board.

11. The Treasurer of any of the Corporations or, with the approval of the Commission, any other qualified person authorized by the Council of any such Corporations in the place of the Treasurer, shall at all times during the currency of this agreement, have, on request, access to the books and vouchers of the Commission dealing with receipts or expenditures in connection with the services provided for hereunder, and the Corporations shall once a year during the currency of this agreement, have the right to have one independent audit made of the books and vouchers of the Commission dealing with the operation of the said motor bus service by a qualified auditor. In the event of the Corporations and the Commission being unable to agree upon such an auditor the Ontario Municipal Board shall have power to select an auditor to make such audit.

12. The system of accounting to be used by the Commission shall be the classification of accounts for Transit Systems in Canada prescribed by the Dominion Bureau of Statistics dated January 1st, 1946, and any future modifications thereof.

13. Should the gross revenues exceed the cost of operation the Corporations shall receive the surplus revenue quarterly in the following proportions:—

The Corporation of the Township of North York, 55 per cent;
 The Corporation of the Township of Markham, 11 per cent;
 The Corporation of the Township of Vaughan, 11 per cent;
 The Corporation of the Village of Richmond Hill, 23 per cent.

14. If for any reason the revenue from the said motor bus service for a period of three consecutive calendar months shall be insufficient to meet the cost of operation and maintenance for such period the Corporations shall pay to the Commission forthwith on demand the amount of any such deficiency in the following proportions:—

The Corporation of the Township of North York, 55 per cent;
 The Corporation of the Township of Markham, 11 per cent;
 The Corporation of the Township of Vaughan, 11 per cent;
 The Corporation of the Village of Richmond Hill, 23 per cent.

15. In the event of the neglect of any of the Corporations to pay their proper proportion of any amount provided for by the next preceding paragraph within thirty (30) days of demand, the Commission may, without further notice, discontinue the operation of the said bus service and it and the other parties hereto may recover from the Corporation in default any damage sustained by reason of such default, but such discontinuance of operation shall not release any party hereto from its obligations under this agreement. And provided further that the Corporations not in default, without prejudice to their rights under this agreement, may at their option pay the amount in default by the other Corporation or Corporations and shall have the right to recover the amount of such payment from any such Corporation in default, and in such event the Commission shall continue operation of the said bus service.

16. This agreement shall continue in force for a period of ten years.

17. Should the motor bus service contemplated by this agreement cease operation at any time during its currency by reason of action of the Corporations, Gray Coach Lines Limited, the subsidiary of the Commission, may forthwith apply to the Minister of Highways for the right to operate motor buses or coaches on Yonge Street within the area covered by this agreement either under the permit now held by this Company or a new permit to be granted, and each of the Corporations will upon request of the Commission consent in writing to the granting of such application by the Minister and undertakes not to give any similar consent to any other person, other than one or more of such Corporations. Should one or more of such Corporations apply for such rights, Gray Coach Lines Limited shall not be precluded in any way from proceeding with its application as aforesaid.

18. The parties hereto agree to use their best endeavours to have this agreement ratified and confirmed by legislation at the next ensuing session of the Legislature of the Province of Ontario.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals attested by the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED:

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK,

(Sgd.) GEO. H. MITCHELL,
Reeve.

(Seal)

(Sgd.) A. G. STANDING,
Clerk.

THE CORPORATION OF THE TOWNSHIP OF MARKHAM,

(Sgd.) VERNON W. GRIFFIN,
Reeve.

(Seal)

(Sgd.) CHAS. HOOVER,
Clerk.

THE CORPORATION OF THE TOWNSHIP OF VAUGHAN,

(Sgd.) JOHN HOSTRAUSER,
Reeve. (Seal)

(Sgd.) J. M. McDONALD,
Clerk.

THE CORPORATION OF THE VILLAGE OF RICHMOND HILL,

(Sgd.) PERCY C. HILL,
Reeve. (Seal)

(Sgd.) RUSSELL LYNETT,
Clerk.

THE TORONTO TRANSPORTATION COMMISSION,

(Sgd.) WM. C. MCBRIEN,
Chairman. (Seal)

(Sgd.) C. A. WARD,
Secretary.



An Act respecting the Township of
North York.

1st Reading

February 28th, 1950

2nd Reading

March 20th, 1950

3rd Reading

March 23rd, 1950

MR. MACKENZIE

No. 29

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to incorporate the Improvement District of Ojibway Islands.

MR. REA

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 29

1950

BILL

An Act to incorporate the Improvement District of Ojibway Islands.

WHEREAS John B. McCuaig of the City of Toronto Preamble.
in the County of York by his petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation.

(a) "Corporation" means The Corporation of the Improvement District of Ojibway Islands;

(b) "Consolidated School Board" means the Board of Trustees of The Pointe au Baril Consolidated School (School Sections Nos. 1 and 2 in the unorganized Township of Harrison in the Territorial District of Parry Sound).

2.—(1) The inhabitants of the locality in the unorganized Townships of Harrison and Shawanaga in the Territorial District of Parry Sound described in the Schedule hereto are hereby incorporated as an improvement district under the name of "The Corporation of the Improvement District of Ojibway Islands". Incorporation as improvement district.

(2) In subsection 1, "inhabitants" includes persons customarily resident in the said locality for a portion of each year. "Inhabitants" defined.

3. The said Improvement District, except as in this Act provided, shall, for the purposes and within the meaning of *The Municipal Act* and every other general Act applicable to improvement districts, be deemed to be an improvement district incorporated under *The Municipal Act* and to have been designated as a township municipality under that Act. Application of Rev. Stat., c. 266 and other Acts.

Area detached from present school sections.

4. The boundaries of Consolidated School Sections Nos. 1 and 2 in the unorganized Township of Harrison in the Territorial District of Parry Sound are hereby altered by excluding from such school sections all portions thereof lying within the said Improvement District.

Payments re debentures by Corporation to Board.

5.—(1) On or before the 25th day of April in each year from 1951 to 1968, both inclusive, the Corporation shall pay to the Consolidated School Board a sum equal to the aggregate of the principal and interest payments required to be made by the said Board on the 1st day of May in such year to the holders of the then outstanding 4 per centum debentures of the said Board, which debentures bear date the 25th day of May, 1948, and were issued pursuant to By-law No. 1 of the said Board passed on the 7th day of April, 1948, as amended by By-law No. 2 of the said Board passed on the 25th day of May, 1948; provided that such annual payment shall in no year exceed the sum of \$2,207.45.

Use of moneys paid to Board.

(2) The Consolidated School Board shall use the moneys so received only in discharge of such principal and interest obligations.

Redemption of debentures.

(3) The Corporation may at any time or from time to time before the 1st day of May, 1968, by notice in writing require the Consolidated School Board to redeem the whole or any part of the said debentures then outstanding in accordance with the provisions of the said debentures in that behalf, and the said Board, forthwith upon receipt of such notice and a sum of money sufficient to pay the redemption price of the debentures so to be redeemed, shall proceed expeditiously to effect such redemption.

Commencement of Act.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Improvement District of Ojibway Islands Act, 1950*.

SCHEDULE

Lands in the unorganized Townships of Harrison and Shawanaga in the Territorial District of Parry Sound in the Province of Ontario, as follows:

Township of Harrison.

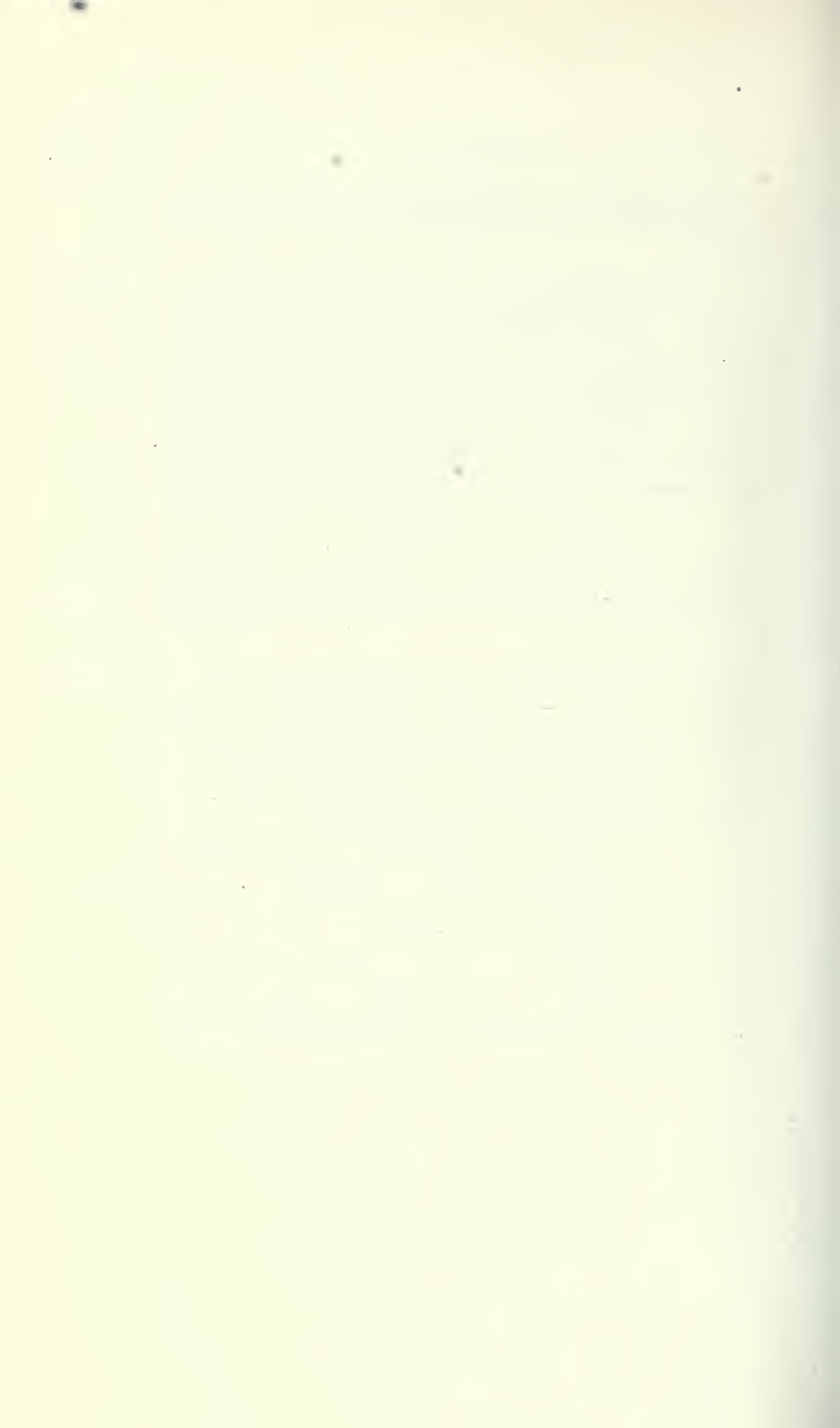
Concession VIII	Lots 43 to 51 inclusive;
Concession VII	Lots 43 to 51 inclusive;
Concession VI	Lots 47 to 52 inclusive;
Concession V	Lots 50 to 53 inclusive;
Concession IV	Lots 37 to 52 inclusive;
Concession III	Lots 31 to 41 inclusive;
Concession II	Lots 31 and 32;
Concession I	Lots 31 and 32,

together with all islands in the Township to the west of the said Lots and all road allowances, opened or unopened, between the said Lots.

Township of Shawanaga.

Concession X	Lots 32 and 33;
Concession IX	Lots 32 to 34 inclusive;
Concession VIII	Lots 33 to 37 inclusive;
Concession VII	Lots 36 to 38 inclusive;
Concession VI	Lots 37 to 39 inclusive;
Concession V	Lots 38 and 39;
Concession IV	Lots 39 to 42 inclusive;
Concession III	Lots 41 and 42;
Concession II	Lots 41 to 43 inclusive;
Concession I	Lots 43 and 44,

together with all islands in the Township to the west of the said Lots and all road allowances, opened or unopened, between the said Lots.



An Act to incorporate the Improvement
District of Ojibway Islands.

1st Reading

February 28th, 1950

2nd Reading

3rd Reading

MR. REA

(*Private Bill*)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Administration and Trust Company
(Société d'Administration et de Fiducie).

MR. CHARTRAND

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1911

1912

1913

1914

1915

1916

BILL

An Act respecting the Administration and Trust Company (Société d'Administration et de Fiducie).

WHEREAS the Administration and Trust Company Preamble.
(Société d'Administration et de Fiducie), hereinafter
 called the Company, by its petition has represented that it
 was incorporated under the name of La Société d'Administra-
 tion Générale by *An Act to incorporate La Société d'Adminis-* 1902, c. 69
tration Générale (hereinafter called the Act of Incorporation), (Que.)
 being chapter 69 of the Statutes of Quebec, 1902; that the
 Act of Incorporation was amended by *An Act to amend the* 1912, c. 103
charter of La Société d'Administration Générale, being chapter (Que.)
 103 of the Statutes of Quebec, 1912, which amendment
 provided among other things for the name of the Company
 to be "The General Administration Society" in English and
 "La Société d'Administration Générale" in French; that the
 Act of Incorporation was further amended by *An Act to* 1928, c. 118
change the name of The General Administration Society (La (Que.)
Société d'Administration Générale), being chapter 118 of the
 Statutes of Quebec, 1928, which amendment changed the
 name of the Company to "Administration and Trust Com-
 pany" in English and "Société d'Administration et de Fiducie"
 in French; that the Act of Incorporation was further amended
 by *An Act respecting the Société d'administration et de fiducie*, 1949, c. 126
 being chapter 126 of the Statutes of Quebec, 1949; and that (Que.)
 its present permanent authorized capital is \$1,500,000 divided
 into 60,000 shares with a par value of \$25 per share, of which
 47,750 shares have been subscribed for, allotted and issued
 and the subscription price thereof, namely, \$1,193,750, has
 been paid in full; and whereas the Company has prayed
 that an Act be passed authorizing it to transact the business
 of a trust company in Ontario in conformity to the public
 general law thereof; and whereas it is expedient to grant the
 prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

Registration
under 1949,
c. 52.

1. Upon giving security to the satisfaction of the Lieutenant-Governor in Council in a sum of not less than \$200,000, the Company may, upon filing with the Registrar appointed under *The Loan and Trust Corporations Act, 1949* a power of attorney as required by section 114 of that Act, be admissible to registry under that Act, and upon being so registered, be authorized and empowered to carry on and exercise in Ontario the business of a trust company with those of the powers set forth in that Act which are within the capacity of the Company.

Further
security.

2. The Lieutenant-Governor in Council may at any time or from time to time require an increase in the amount of such security by a notice in writing to the manager or secretary of the chief agency of the Company in Ontario; and if the Company fails to furnish such increased security within two months after such notice, then and thereupon the Company shall, *ipso facto*, become disentitled and shall cease to do further business in Ontario.

Chief
agency in
Ontario.

3. The chief agency of the Company for Ontario shall be in the City of Ottawa and the Company shall keep at that chief agency a manager and secretary who, as well as all other officers at the said agency or in Ontario, shall in respect of all business transacted by the Company in Ontario be absolutely subject to the control of the courts of Ontario as fully as if the head office of the Company were within Ontario, and as if the Company were wholly managed and controlled therein.

Investments.

4. All the investments of the Company in respect of all trust business entrusted to it in Ontario shall (subject to the provisions as to investments contained in the deed, will or other instrument of trust, and subject to the direction, if any, of the Supreme Court or of any judge thereof) be wholly invested at one or other of the agencies of the Company in Ontario; and the trust securities representing such investments from time to time shall be held and retained at all times at one or other of such agencies and under the control of the courts of Ontario, and shall (subject to the provisions of the said instruments of trust) be securities in which trustees or trust companies are, by the law of Ontario, authorized to invest trust funds.

Extent
of powers.

1949, c. 52.

5. The Company shall be limited, in respect of all business relating to property and civil rights or provincial objects in Ontario, to the powers mentioned in *The Loan and Trust Corporations Act, 1949*, and shall be subject to the general provisions of that Act and of the general public law of Ontario relating to trust companies and trusts.

Separate
accounts.

6. The moneys and securities of each trust shall always be kept distinct from those of the Company and in separate

accounts, and so marked in the books of the Company for each particular trust as always to be distinguished from any other in the registers and other books of account kept by the Company and at no time shall trust moneys form part of or be mixed with the general assets of the Company.

7. Moneys, properties and securities received or held by the Company upon trust or as agent of any person or corporation shall not be liable for the debts or obligations of the Company. ^{Trust property.}

8. In the case of the appointment of the Company to any trust or office by any court or judge in Ontario, such court or judge may at any time and from time to time require the Company to render an account of its administration of the particular trust or office to which the Company has been so appointed and a judge of the Supreme Court may also at any time and from time to time appoint a suitable person to investigate the affairs and management of the Company, and as to the security offered to those by or for whom its engagements are held, and such person shall make his report to such court or judge and the costs and expenses of such investigation shall be borne as ordered by such court or judge. ^{Jurisdiction of courts and judges in Ontario.}

9. Nothing in this Act shall be deemed to authorize the Company to commence business in Ontario until it has been registered as required by the provisions of *The Loan and Trust Corporations Act, 1949*, nor to continue except when so registered. ^{Proviso.}

10. This Act shall come into force on the day it receives the Royal Assent. ^{Commencement of Act.}

11. This Act may be cited as *The Administration and Trust Company Act, 1950*. ^{Short title.}



An Act respecting the Administration and
Trust Company (Société d'Adminis-
tration et de Fiducie).

1st Reading

2nd Reading

3rd Reading

MR. CHARTRAND

(*Private Bill*)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Administration and Trust Company
(Société d'Administration et de Fiducie).

MR. CHARTRAND



No. 30

1950

BILL

An Act respecting the Administration and Trust Company (Société d'Administration et de Fiducie).

WHEREAS the Administration and Trust Company ^{Preamble.} (*Société d'Administration et de Fiducie*), hereinafter called the Company, by its petition has represented that it was incorporated under the name of La Société d'Administration Générale by *An Act to incorporate La Société d'Administration Générale* (hereinafter called the Act of Incorporation), being chapter 69 of the Statutes of Quebec, 1902; that the Act of Incorporation was amended by *An Act to amend the charter of La Société d'Administration Générale*, being chapter 103 of the Statutes of Quebec, 1912, which amendment provided among other things for the name of the Company to be "The General Administration Society" in English and "La Société d'Administration Générale" in French; that the Act of Incorporation was further amended by *An Act to change the name of The General Administration Society (La Société d'Administration Générale)*, being chapter 118 of the Statutes of Quebec, 1928, which amendment changed the name of the Company to "Administration and Trust Company" in English and "Société d'Administration et de Fiducie" in French; that the Act of Incorporation was further amended by *An Act respecting the Société d'administration et de fiducie*, being chapter 126 of the Statutes of Quebec, 1949; and that its present permanent authorized capital is \$1,500,000 divided into 60,000 shares with a par value of \$25 per share, of which 47,750 shares have been subscribed for, allotted and issued and the subscription price thereof, namely, \$1,193,750, has been paid in full; and whereas the Company has prayed that an Act be passed authorizing it to transact the business of a trust company in Ontario in conformity to the public general law thereof; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Registration
under 1949,
c. 52.

1. Upon giving security to the satisfaction of the Lieutenant-Governor in Council in a sum of not less than \$200,000, the Company may, upon filing with the Registrar appointed under *The Loan and Trust Corporations Act, 1949* a power of attorney as required by section 114 of that Act, be admissible to registry under that Act, and upon being so registered, be authorized and empowered to carry on and exercise in Ontario the business of a trust company with those of the powers set forth in that Act which are within the capacity of the Company.

Further
security.

2. The Lieutenant-Governor in Council may at any time or from time to time require an increase in the amount of such security by a notice in writing to the manager or secretary of the chief agency of the Company in Ontario; and if the Company fails to furnish such increased security within two months after such notice, then and thereupon the Company shall, *ipso facto*, become disentitled and shall cease to do further business in Ontario.

Chief
agency in
Ontario.

3. The chief agency of the Company for Ontario shall be in the City of Ottawa and the Company shall keep at that chief agency a manager and secretary who, as well as all other officers at the said agency or in Ontario, shall in respect of all business transacted by the Company in Ontario be absolutely subject to the control of the courts of Ontario as fully as if the head office of the Company were within Ontario, and as if the Company were wholly managed and controlled therein.

Investments.

4. All the investments of the Company in respect of all trust business entrusted to it in Ontario shall (subject to the provisions as to investments contained in the deed, will or other instrument of trust, and subject to the direction, if any, of the Supreme Court or of any judge thereof) be wholly invested at one or other of the agencies of the Company in Ontario; and the trust securities representing such investments from time to time shall be held and retained at all times at one or other of such agencies and under the control of the courts of Ontario, and shall (subject to the provisions of the said instruments of trust) be securities in which trustees or trust companies are, by the law of Ontario, authorized to invest trust funds.

Extent
of powers.

1949, c. 52.

5. The Company shall be limited, in respect of all business relating to property and civil rights or provincial objects in Ontario, to the powers mentioned in *The Loan and Trust Corporations Act, 1949*, and shall be subject to the general provisions of that Act and to the general public law of Ontario relating to trust companies and trusts.

Separate
accounts.

6. The moneys and securities of each trust shall always be kept distinct from those of the Company and in separate

accounts, and so marked in the books of the Company for each particular trust as always to be distinguished from any other in the registers and other books of account kept by the Company and at no time shall trust moneys form part of or be mixed with the general assets of the Company.

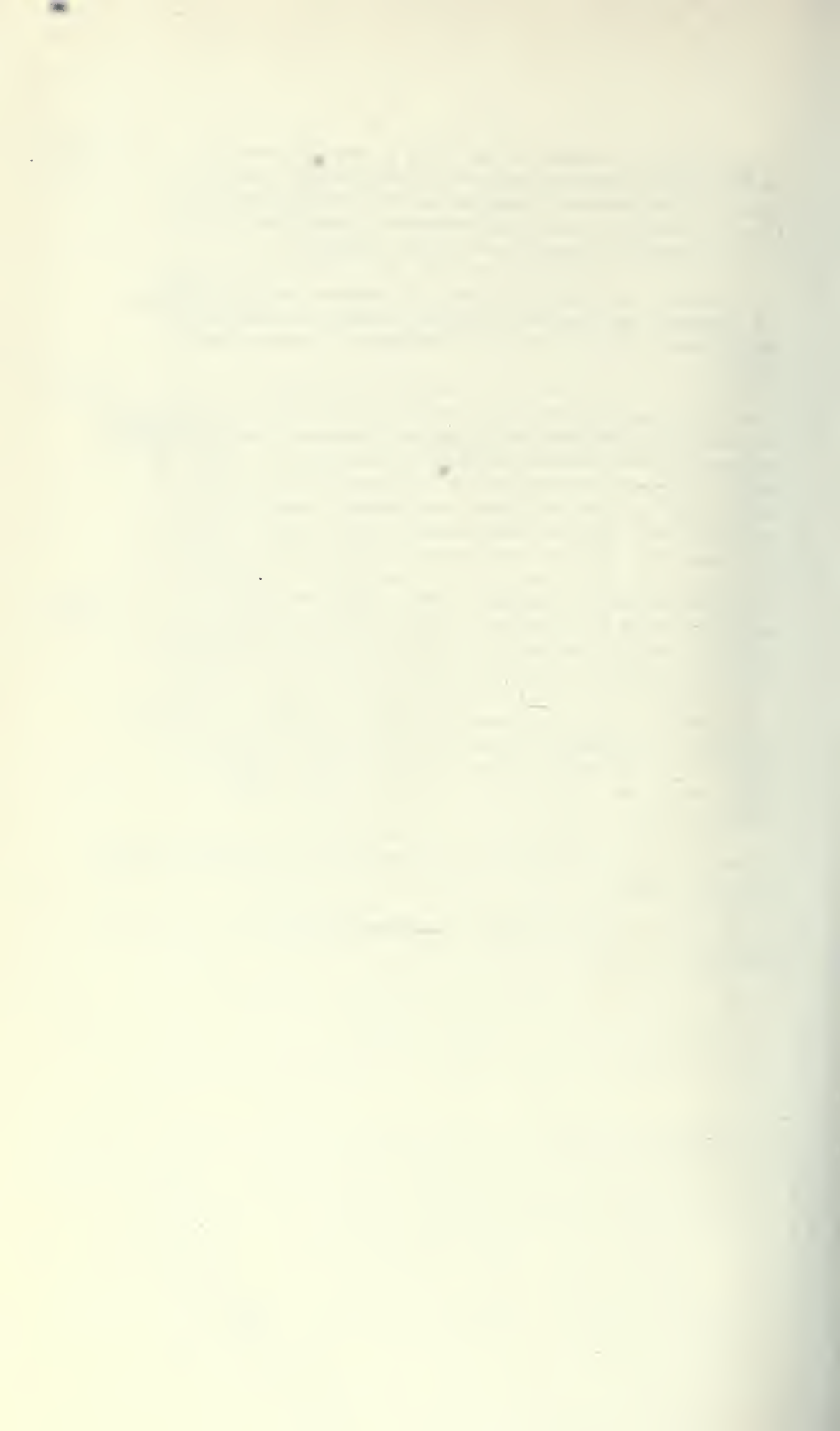
7. Moneys, properties and securities received or held by the Company upon trust or as agent of any person or corporation shall not be liable for the debts or obligations of the Company. Trust property.

8. In the case of the appointment of the Company to any trust or office by any court or judge in Ontario, such court or judge may at any time and from time to time require the Company to render an account of its administration of the particular trust or office to which the Company has been so appointed and a judge of the Supreme Court may also at any time and from time to time appoint a suitable person to investigate the affairs and management of the Company, and as to the security offered to those by or for whom its engagements are held, and such person shall make his report to such court or judge and the costs and expenses of such investigation shall be borne as ordered by such court or judge. Jurisdiction of courts and judges in Ontario.

9. Nothing in this Act shall be deemed to authorize the Company to commence business in Ontario until it has been registered as required by the provisions of *The Loan and Trust Corporations Act, 1949*, nor to continue except when so registered. Proviso.

10. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

11. This Act may be cited as *The Administration and Trust Company Act, 1950*. Short title.



An Act respecting the Administration and
Trust Company (Société d'Adminis-
tration et de Fiducie).

1st Reading

February 28th, 1950

2nd Reading

March 29th, 1950

3rd Reading

March 31st, 1950

MR. CHARTRAND

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Executive Committee of the Provincial Young
Men's Christian Association of Ontario and Quebec.

MR. BLACKWELL

(PRIVATE BILL)



No. 31

1950

BILL

An Act respecting the Executive Committee of the
Provincial Young Men's Christian Association
of Ontario and Quebec.

WHEREAS the Executive Committee of the Provincial Preamble.
Young Men's Christian Association of Ontario and
Quebec by its petition has represented that it was incorporated
by chapter 145 of the Statutes of Ontario, 1906, and has 1906, c. 145.
prayed for special legislation to change its name as hereinafter
provided; and whereas it is expedient to grant the prayer of the
petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The name of Executive Committee of the Provincial Corporate
Young Men's Christian Association of Ontario and Quebec, name
hereinafter called the "Association" is hereby changed to, changed.
Executive Committee of the National Council of Young
Men's Christian Associations of Canada, but such change in
name shall not in any way impair, alter or affect the rights or Existing
liabilities of the Association or any bequest, gift, or donation rights not
now made or which hereafter may be made to the Association affected.
whether by its original or its new name, or any suit or pro-
ceeding now pending or judgment existing either by or in
favour of or against the Association and which, notwith-
standing such change in name of the Association, may be
enforced and continued as if this Act had not been passed.

2. This Act shall come into force on the day it receives the Commence-
Royal Assent. ment of Act.

3. This Act may be cited as *The Executive Committee of the* Short title.
National Council of Young Men's Christian Associations of
Canada Act, 1950.

An Act respecting the Executive Committee of the Provincial Young Men's Christian Association of Ontario and Quebec.

1st Reading

2nd Reading

3rd Reading

MR. BLACKWELL

(Private Bill)

No. 31

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Executive Committee of the Provincial Young
Men's Christian Association of Ontario and Quebec.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 31

1950

BILL

An Act respecting the Executive Committee of the
Provincial Young Men's Christian Association
of Ontario and Quebec.

WHEREAS the Executive Committee of the Provincial Preamble.
Young Men's Christian Association of Ontario and
Quebec by its petition has represented that it was incorporated
by chapter 145 of the Statutes of Ontario, 1906, and has 1906, c. 145.
prayed for special legislation to change its name as hereinafter
provided; and whereas it is expedient to grant the prayer of the
petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The name of Executive Committee of the Provincial Corporate
Young Men's Christian Association of Ontario and Quebec, name
hereinafter called the "Association" is hereby changed to changed.
Executive Committee of the National Council of Young
Men's Christian Associations of Canada, but such change in
name shall not in any way impair, alter or affect the rights or
liabilities of the Association or any bequest, gift, or donation Existing
now made or which hereafter may be made to the Association rights not
whether by its original or its new name, or any suit or pro- affected.
ceeding now pending or judgment existing either by or in
favour of or against the Association and which, notwith-
standing such change in name of the Association, may be
enforced and continued as if this Act had not been passed.

2. This Act shall come into force on the day it receives the Commence-
Royal Assent. ment of Act.

3. This Act may be cited as *The Executive Committee of the* Short title.
National Council of Young Men's Christian Associations of
Canada Act, 1950.

An Act respecting the Executive Committee of the Provincial Young Men's Christian Association of Ontario and Quebec.

1st Reading

March 1st, 1950

2nd Reading

March 10th, 1950

3rd Reading

March 15th, 1950

MR. BLACKWELL

No. 32

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Kingston.

MR. STEWART

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 32

1950

BILL

An Act respecting the City of Kingston.

WHEREAS the Corporation of the City of Kingston by Preamble.
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, By-law
No. 747
validated.
By-law No. 747 passed by the council of the Corporation of
the City of Kingston on the 27th day of February, 1950,
entitled "A By-law to Amend By-law No. 352-1944, providing
for the Establishment, Development, and Management of the
Kingston Community Memorial Health and Recreation
Centre", set out as Schedule A hereto, is hereby confirmed and
declared to be legal, valid and binding upon the Corporation and
the ratepayers thereof and the Corporation is hereby authorized
to do all acts necessary to carry out the provisions thereof.

2. It is hereby declared that the powers given to the Cor- Effect of
Act.
1945, c. 30.
poration by *The City of Kingston Act, 1945* and by this Act
shall not be in derogation of but shall be supplementary to all
powers it may possess by virtue of any special or general Act,
and any provision in *The City of Kingston Act, 1945* and in
this Act shall obtain over any provision which is inconsistent
therewith in any special or general Act.

3.—(1) Subject to the approval of the Ontario Municipal Authority to
pass pro-
posed By-
law No. 748.
Board, the council of the Corporation may pass the proposed
By-law No. 748, set out as Schedule B hereto, entitled "A
By-law to Authorize the Borrowing of \$100,000.00 upon deben-
tures for the purpose of contributing toward the establish-
ment of a Community Centre".

(2) The said proposed By-law No. 748 when duly passed Validation.
and approved by the Ontario Municipal Board shall be legal,
valid and binding upon the Corporation of the City of Kings-
ton and the ratepayers thereof.

1945,
c. 30, s. 3,
repealed.

4. Section 3 of *The City of Kingston Act, 1945* is repealed.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of Kingston Act, 1950*.

SCHEDULE A

BY-LAW No. 747

A By-law to Amend By-law No. 352-1944 providing for the Establishment, Development, and Management of the Kingston Community Memorial Health and Recreation Centre.

PASSED: February 27th, 1950.

WHEREAS it is desirable to amend certain of the provisions of By-law No. 352-1944;

NOW THEREFORE BE IT ENACTED by the council of the Corporation of the City of Kingston as follows:

By-law No. 352-1944 is hereby amended to read as follows:

PART I

1. The Kingston Community Memorial Health and Recreation Centre Committee shall deposit the monies raised by public subscription in a special account in a chartered bank in the name of the Kingston Community Health and Recreation Centre Committee and the Corporation of the City of Kingston and the City Treasurer shall be the Treasurer of the said account.

2. Upon receipt of a certificate of the City Treasurer that the sum of (\$100,000.00) One Hundred Thousand Dollars has been raised by public subscriptions and grants have been made by the Dominion of Canada and the Province of Ontario in the sum of One Hundred and Fifty Thousand Dollars (\$150,000.00) each respectively and assigned to the Treasurer of the Corporation of the City of Kingston, the Corporation of the City of Kingston shall make available for the purposes of the Centre the sum of One Hundred Thousand Dollars under the terms and conditions of this by-law.

3. All cheques drawn on the said account shall be signed by the Chairman of the Building Committee and the City Treasurer after accounts have been passed by City Council and approved for payment.

No disbursement is to be made from the said account unless, and until, such disbursement has been approved by City Council in the manner as provided for in Section 4 (a) of this by-law.

4. (a) There shall be a Building Committee of not less than five members, appointed by City Council whose duties shall be to arrange for the construction of the necessary units of the proposed Community Centre, and the submission of written Reports, accompanied by Certificates from the Architect, to City Council stating the progress made in the construction of the units and recommending any payments due to the Contractor or any other person or persons entitled thereto.

4. (b) Before the building of the project is started or any contracts awarded or any funds paid out or debts incurred the City Council must be satisfied, as shown by a resolution formally entered in its Minutes, that the funds in hand are sufficient and adequate to build and complete the project or such part thereof as Council decides to proceed with from time to time, and all proposed plans, specifications and contracts are to be submitted to City Council for approval and no contract shall be made without such approval.

4. (c) The Council of the Corporation of the City of Kingston may appoint a Board of Trustees referred to in paragraph 9 infra at any time and may transfer the powers given by this by-law to the Building Committee to such Board of Trustees upon which appointment and transfer the Building Committee shall thereupon cease to exist.

5. (a) The City Treasurer shall pay into the said account such monies as Council may direct by resolution from time to time.

5. (b) The City Treasurer shall pay out of the said account to the Contractor or any other person or persons entitled thereto, from time to time, such monies as are recommended to be paid by the Building Committee and as are approved by Council.

6. No substantial alterations, modifications or changes, nor alterations, modifications or changes involving an expenditure exceeding Five Hundred Dollars (\$500.00) shall be made by the Building Committee in the plans and specifications which have been finally approved by City Council and upon which contracts have been let, without the approval of the City Council upon the recommendation of the Committee on Finance and Accounts.

7. The said project and related plans and specifications may include the following units which may be proceeded with in whole or in part and in any precedence considered desirable, as may be determined by resolution by the council of the Corporation of the City of Kingston:—

Auditorium,
Grand Stand,
Swimming Pool,

Children's Playground and equipment,
Facilities for Outdoor Sports,
Agricultural buildings and subsidiaries.

PART II

8. Title to the property, both real and personal, including all buildings, machinery, equipment, accessories and other chattels used in connection with the said Centre shall be vested, free of all encumbrances, in the Corporation of the City of Kingston.

9. There shall be appointed by City Council a Board to be known as the Board of Trustees of the Kingston Community Memorial Health and Recreation Centre.

10. The Board shall consist of eleven Members of whom the Mayor shall be an ex-officio member and the other Members shall be appointed by City Council of whom three may be aldermen who will be appointed annually and the other seven may be appointed for a three year term and in any event all members shall hold office until their successors are appointed.

11. The general management, regulation and control of the said Centre shall be vested in and shall be exercised by the Board, and it shall be the duty of the Board to manage, regulate and control the said Centre in accordance with the provisions of this by-law and the Board shall properly maintain the said Centre and the grounds thereof.

12. Upon completion of the approved building programme, such portion of the funds remaining in the special fund and raised for the purpose of the said Centre shall be transferred to the said Board to be used by it for the purpose of operating and maintaining the said Centre.

13. The first meeting of the Board shall be called by the Mayor as temporary Chairman, at which meeting the Board shall enact Rules of Procedure to provide for the conduct of its affairs and such Rules of Procedure and amendments thereto must be ratified by by-law of City Council.

14. The Board shall fix and be entitled to charge and collect such rates, fees or amounts as it may deem advisable for the use of, or admission to any of the units of the Centre.

15. The fiscal year for the purpose of the general management of the said Centre shall end with the calendar year.

16. The Board shall meet at least once a month and more frequently if so required.

17. In the case of a vacancy on the Board a successor shall be appointed by City Council to complete the unexpired term.

18. (a) The Members of the Building Committee and of the Board shall serve without remuneration and the Building Committee and the Board may employ such professional, technical or clerical assistance as may be deemed necessary.

18. (b) The Board shall have power to pass resolutions not contrary to the provisions of this by-law, to regulate and govern the conduct of its affairs.

18. (c) Fire, liability, and any other insurance deemed necessary, shall be included in the Corporation's insurance schedules and the cost thereof shall be a charge against the revenue of the project.

19. (a) The Board shall submit to City Council an annual report on its operations and activities.

19. (b) The Board shall submit annually to City Council not later than February 15th a Budget of its estimated expenditures and revenues for both current and capital purposes for the current year. The Budget shall be in a form determined by City Council, and shall, after making all proper deductions and allowances, show clearly the estimated surplus or deficits.

The use and disposal of any surplus shall be determined by City Council and all deficits shall be assumed by the Corporation. Deficits or surpluses shall not be accumulated without the approval of City Council.

19. (c) No expenditures shall be made, or indebtedness incurred which are not specifically provided for in the Budget, approved by City Council, unless City Council consents to a transfer for the purpose from an unexpended appropriation or other available funds.

The Board shall not be permitted to make any bank loans, bank overdrafts or loans of any nature.

20. The City Auditor shall perform an annual audit and make such special examinations and reports as may from time to time be desired, and the cost thereof shall be a charge against the revenue of the project.

21. Part II of this by-law may be amended from time to time upon two-thirds vote of the members of City Council.

This by-law shall come into force and take effect on its passing.

(L.S.) (Sgd.) CLIFFORD A. CURTIS,
Mayor.
(Sgd.) C. C. WYATT,
City Clerk-Comptroller.

SCHEDULE B

BY-LAW No. 748

A By-law to Authorize the Borrowing of \$100,000.00 upon debentures for the purpose of contributing toward the establishment of a Community Centre.

PASSED: February 27th, 1950.

WHEREAS the Kingston Community Memorial Health and Recreation Centre Committee, hereafter referred to as the Centre Committee, is represented as being a charitable organization established for the purposes of organizing activities for the promotion of the health, social welfare, and recreation of the people of the City of Kingston, and composed of citizens and societies interested in the said objects;

AND WHEREAS the amount of the debenture debt to be incurred under this by-law is One Hundred Thousand Dollars (\$100,000.00);

AND WHEREAS it is deemed expedient to make the principal repayable in equal annual instalments during the period of fifteen years from the date of the issue of the said debentures with interest thereon at the rate of three per cent (3%) per annum;

AND WHEREAS it will be necessary to raise annually during the said period of fifteen years to pay the said annual instalments of principal and interest as they become due and payable the amounts hereinafter specified by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality;

AND WHEREAS the amount of the whole rateable property in the City of Kingston according to the last revised assessment roll is \$34,863,745;

AND WHEREAS the amount of the existing debenture debt of the Corporation is \$2,676,526.15, exclusive of Local Improvement debt secured by special rate or assessment, and no part of the principal or interest is in arrears;

THEREFORE the Municipal Council of the Corporation of the City of Kingston enacts as follows:

1. That, subject to the following terms and conditions, a contribution of One Hundred Thousand Dollars (\$100,000.00) be made to the Kingston Community Memorial Health and Recreation Centre, and for the purposes aforesaid it shall be lawful for the Council of the Corporation of the City of Kingston to borrow upon debentures of the Corporation the sum of One Hundred Thousand Dollars (\$100,000.00) and debentures shall be made and issued therefor in sums of not less than \$100.00 each, which debentures shall be signed by the Mayor and countersigned by the Treasurer of the said City and sealed with the Corporation seal.

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed and may bear any date within such two years, and shall be payable in annual instalments during the fifteen years next after the time when the same are issued and the respective amount of principal and interest payable in each of such years shall be set out in Schedule "A" attached.

3. The debentures as to both principal and interest may be expressed in Canadian currency and may be payable at any place in Canada.

4. The Mayor and Treasurer of the Corporation shall sign and issue these debentures which shall be sealed with the seal of the Corporation.

5. Commencing in the year the said debt is incurred and thereafter in each year in which instalments of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sums shown for the respective year in the fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor over and above all rates, from all the rateable property in the Municipality.

6. The said debentures may contain any clause providing for the registration thereof authorized by any statutes relating to municipal debentures in force at the time of the issue thereof.

7. The Corporation of the City of Kingston shall have the right, at its option, to redeem the debentures bearing the latest maturity date on any interest date prior to maturity at the Office of the City-Treasurer, Kingston, upon payment of the principal amounts thereof, together with interest accrued to date of redemption, and upon giving previous notice of its intention to redeem by advertising once in *The Ontario Gazette*, once in a daily newspaper of general Provincial circulation published in the City of Toronto, once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose

- name a debenture so to be redeemed is registered at the address shown in the debenture registering book.

8. The contribution authorized under this by-law shall be made in accordance with the terms and conditions of the said By-law No. 352 as amended by By-law No. 747-1950.

9. This by-law shall come into force and take effect on its passing after validation by Special Act of the Legislative Assembly of Ontario.

(L.S.)

(Sgd.) CLIFFORD A. CURTIS,
Mayor.

(Sgd.) C. C. WYATT,
City Clerk-Comptroller.

Schedule A

	<i>Principal</i>	<i>Interest</i>	<i>Total</i>
1.	\$5,500.00	\$3,000.00	\$8,500.00
2.	5,500.00	2,835.00	8,335.00
3.	5,500.00	2,670.00	8,170.00
4.	6,000.00	2,505.00	8,505.00
5.	6,000.00	2,325.00	8,325.00
6.	6,000.00	2,145.00	8,145.00
7.	6,500.00	1,965.00	8,465.00
8.	6,500.00	1,770.00	8,270.00
9.	7,000.00	1,575.00	8,575.00
10.	7,000.00	1,365.00	8,365.00
11.	7,000.00	1,155.00	8,155.00
12.	7,500.00	945.00	8,445.00
13.	8,000.00	720.00	8,720.00
14.	8,000.00	480.00	8,480.00
15.	8,000.00	240.00	8,240.00
	<u>\$100,000.00</u>	<u>\$25,695.00</u>	<u>\$125,695.00</u>

BILL

An Act respecting the City of
Kingston.

1st Reading

2nd Reading

3rd Reading

MR. STEWART

(Private Bill)

No. 32

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Kingston.

MR. STEWART

(Reprinted as amended by the Committee on Private Bills.)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 32

1950

BILL

An Act respecting the City of Kingston.

WHEREAS the Corporation of the City of Kingston by Preamble.
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, By-laws Nos. 747, 752, validated.
By-law No. 747 passed by the council of the Corporation of
the City of Kingston on the 27th day of February, 1950,
entitled "A By-law to Amend By-law No. 352-1944, providing
for the Establishment, Development, and Management of the
Kingston Community Memorial Health and Recreation
Centre", set out as Schedule A hereto, and By-law No. 752
passed on the 18th day of March, 1950, set out as Schedule C
hereto, are hereby confirmed and declared to be legal, valid
and binding upon the Corporation and the ratepayers thereof
and the Corporation is hereby authorized to do all acts
necessary to carry out the provisions thereof.

2. It is hereby declared that the powers given to the Cor- Effect of Act.
poration by *The City of Kingston Act, 1945* and by this Act
shall not be in derogation of but shall be supplementary to all 1945, c. 30.
powers it may possess by virtue of any special or general Act,
and any provision in *The City of Kingston Act, 1945* and in
this Act shall obtain over any provision which is inconsistent
therewith in any special or general Act.

3.—(1) Subject to the approval of the Ontario Municipal Authority to pass proposed By-law No. 748.
Board, the council of the Corporation may pass the proposed
By-law No. 748, set out as Schedule B hereto, entitled "A
By-law to Authorize the Borrowing of \$100,000.00 upon debentures
for the purpose of contributing toward the establishment of a
Community Centre".

(2) The said proposed By-law No. 748 when duly passed Validation.

and approved by the Ontario Municipal Board shall be legal, valid and binding upon the Corporation of the City of Kingston and the ratepayers thereof.

1945,
c. 30, s. 3,
repealed.

4. Section 3 of *The City of Kingston Act, 1945* is repealed.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of Kingston Act, 1950*.

SCHEDULE A

BY-LAW NO. 747

A-By-law to Amend By-law No. 352-1944 providing for the Establishment, Development, and Management of the Kingston Community Memorial Health and Recreation Centre.

PASSED: February 27th, 1950.

WHEREAS it is desirable to amend certain of the provisions of By-law No. 352-1944;

NOW THEREFORE BE IT ENACTED by the council of the Corporation of the City of Kingston as follows:

By-law No. 352-1944 is hereby amended to read as follows:

PART I

1. The Kingston Community Memorial Health and Recreation Centre Committee shall deposit the monies raised by public subscription in a special account in a chartered bank in the name of the Kingston Community Health and Recreation Centre Committee and the Corporation of the City of Kingston and the City Treasurer shall be the Treasurer of the said account.

2. Upon receipt of a certificate of the City Treasurer that the sum of (\$100,000.00) One Hundred Thousand Dollars has been raised by public subscriptions and grants have been made by the Dominion of Canada and the Province of Ontario in the sum of One Hundred and Fifty Thousand Dollars (\$150,000.00) each respectively and assigned to the Treasurer of the Corporation of the City of Kingston, the Corporation of the City of Kingston shall make available for the purposes of the Centre the sum of One Hundred Thousand Dollars under the terms and conditions of this by-law.

3. All cheques drawn on the said account shall be signed by the Chairman of the Building Committee and the City Treasurer after accounts have been passed by City Council and approved for payment.

No disbursement is to be made from the said account unless, and until, such disbursement has been approved by City Council in the manner as provided for in Section 4 (a) of this by-law.

4. (a) There shall be a Building Committee of not less than five members, appointed by City Council whose duties shall be to arrange for the construction of the necessary units of the proposed Community Centre, and the submission of written Reports, accompanied by Certificates from the Architect, to City Council stating the progress made in the construction of the units and recommending any payments due to the Contractor or any other person or persons entitled thereto.

4. (b) Before the building of the project is started or any contracts awarded or any funds paid out or debts incurred the City Council must be satisfied, as shown by a resolution formally entered in its Minutes, that the funds in hand are sufficient and adequate to build and complete the project or such part thereof as Council decides to proceed with from time to time, and all proposed plans, specifications and contracts are to be submitted to City Council for approval and no contract shall be made without such approval.

4. (c) The Council of the Corporation of the City of Kingston may appoint a Board of Trustees referred to in paragraph 9 infra at any time and may transfer the powers given by this by-law to the Building Committee to such Board of Trustees upon which appointment and transfer the Building Committee shall thereupon cease to exist.

5. (a) The City Treasurer shall pay into the said account such monies as Council may direct by resolution from time to time.

5. (b) The City Treasurer shall pay out of the said account to the Contractor or any other person or persons entitled thereto, from time to time, such monies as are recommended to be paid by the Building Committee and as are approved by Council.

6. No substantial alterations, modifications or changes, nor alterations, modifications or changes involving an expenditure exceeding Five Hundred Dollars (\$500.00) shall be made by the Building Committee in the plans and specifications which have been finally approved by City Council and upon which contracts have been let, without the approval of the City Council upon the recommendation of the Committee on Finance and Accounts.

7. The said project and related plans and specifications may include the following units which may be proceeded with in whole or in part and in any precedence considered desirable, as may be determined by resolution by the council of the Corporation of the City of Kingston:—

Auditorium,
Grand Stand,
Swimming Pool,

Children's Playground and equipment,
Facilities for Outdoor Sports,
Agricultural buildings and subsidiaries.

PART II

8. Title to the property, both real and personal, including all buildings, machinery, equipment, accessories and other chattels used in connection with the said Centre shall be vested, free of all encumbrances, in the Corporation of the City of Kingston.

9. There shall be appointed by City Council a Board to be known as the Board of Trustees of the Kingston Community Memorial Health and Recreation Centre.

10. The Board shall consist of eleven Members of whom the Mayor shall be an ex-officio member and the other Members shall be appointed by City Council of whom three may be aldermen who will be appointed annually and the other seven may be appointed for a three year term and in any event all members shall hold office until their successors are appointed.

11. The general management, regulation and control of the said Centre shall be vested in and shall be exercised by the Board, and it shall be the duty of the Board to manage, regulate and control the said Centre in accordance with the provisions of this by-law and the Board shall properly maintain the said Centre and the grounds thereof.

12. Upon completion of the approved building programme, such portion of the funds remaining in the special fund and raised for the purpose of the said Centre shall be transferred to the said Board to be used by it for the purpose of operating and maintaining the said Centre.

13. The first meeting of the Board shall be called by the Mayor as temporary Chairman, at which meeting the Board shall enact Rules of Procedure to provide for the conduct of its affairs and such Rules of Procedure and amendments thereto must be ratified by by-law of City Council.

14. The Board shall fix and be entitled to charge and collect such rates, fees or amounts as it may deem advisable for the use of, or admission to any of the units of the Centre.

15. The fiscal year for the purpose of the general management of the said Centre shall end with the calendar year.

16. The Board shall meet at least once a month and more frequently if so required.

17. In the case of a vacancy on the Board a successor shall be appointed by City Council to complete the unexpired term.

18. (a) The Members of the Building Committee and of the Board shall serve without remuneration and the Building Committee and the Board may employ such professional, technical or clerical assistance as may be deemed necessary.

18. (b) The Board shall have power to pass resolutions not contrary to the provisions of this by-law, to regulate and govern the conduct of its affairs.

18. (c) Fire, liability, and any other insurance deemed necessary, shall be included in the Corporation's insurance schedules and the cost thereof shall be a charge against the revenue of the project.

19. (a) The Board shall submit to City Council an annual report on its operations and activities.

19. (b) The Board shall submit annually to City Council not later than February 15th a Budget of its estimated expenditures and revenues for both current and capital purposes for the current year. The Budget shall be in a form determined by City Council, and shall, after making all proper deductions and allowances, show clearly the estimated surplus or deficits.

The use and disposal of any surplus shall be determined by City Council and all deficits shall be assumed by the Corporation. Deficits or surpluses shall not be accumulated without the approval of City Council.

19. (c) No expenditures shall be made, or indebtedness incurred which are not specifically provided for in the Budget, approved by City Council, unless City Council consents to a transfer for the purpose from an unexpended appropriation or other available funds.

The Board shall not be permitted to make any bank loans, bank overdrafts or loans of any nature.

20. The City Auditor shall perform an annual audit and make such special examinations and reports as may from time to time be desired, and the cost thereof shall be a charge against the revenue of the project.

21. Part II of this by-law may be amended from time to time upon two-thirds vote of the members of City Council.

This by-law shall come into force and take effect on its passing.

(L.S.) (Sgd.) CLIFFORD A. CURTIS,
Mayor.
(Sgd.) C. C. WYATT,
City Clerk-Comptroller.

SCHEDULE B

BY-LAW No. 748

A By-law to Authorize the Borrowing of \$100,000.00 upon debentures for the purpose of contributing toward the establishment of a Community Centre.

PASSED: February 27th, 1950.

WHEREAS the Kingston Community Memorial Health and Recreation Centre Committee, hereafter referred to as the Centre Committee, is represented as being a charitable organization established for the purposes of organizing activities for the promotion of the health, social welfare, and recreation of the people of the City of Kingston, and composed of citizens and societies interested in the said objects;

AND WHEREAS the amount of the debenture debt to be incurred under this by-law is One Hundred Thousand Dollars (\$100,000.00);

AND WHEREAS it is deemed expedient to make the principal repayable in equal annual instalments during the period of fifteen years from the date of the issue of the said debentures with interest thereon at the rate of three per cent (3%) per annum;

AND WHEREAS it will be necessary to raise annually during the said period of fifteen years to pay the said annual instalments of principal and interest as they become due and payable the amounts hereinafter specified by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality;

AND WHEREAS the amount of the whole rateable property in the City of Kingston according to the last revised assessment roll is \$34,863,745;

AND WHEREAS the amount of the existing debenture debt of the Corporation is \$2,676,526.15, exclusive of Local Improvement debt secured by special rate or assessment, and no part of the principal or interest is in arrears;

THEREFORE the Municipal Council of the Corporation of the City of Kingston enacts as follows:

1. That, subject to the following terms and conditions, a contribution of One Hundred Thousand Dollars (\$100,000.00) be made to the Kingston Community Memorial Health and Recreation Centre, and for the purposes aforesaid it shall be lawful for the Council of the Corporation of the City of Kingston to borrow upon debentures of the Corporation the sum of One Hundred Thousand Dollars (\$100,000.00) and debentures shall be made and issued therefor in sums of not less than \$100.00 each, which debentures shall be signed by the Mayor and countersigned by the Treasurer of the said City and sealed with the Corporation seal.

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed and may bear any date within such two years, and shall be payable in annual instalments during the fifteen years next after the time when the same are issued and the respective amount of principal and interest payable in each of such years shall be set out in Schedule "A" attached.

3. The debentures as to both principal and interest may be expressed in Canadian currency and may be payable at any place in Canada.

4. The Mayor and Treasurer of the Corporation shall sign and issue these debentures which shall be sealed with the seal of the Corporation.

5. Commencing in the year the said debt is incurred and thereafter in each year in which instalments of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sums shown for the respective year in the fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor over and above all rates, from all the rateable property in the Municipality.

6. The said debentures may contain any clause providing for the registration thereof authorized by any statutes relating to municipal debentures in force at the time of the issue thereof.

7. The Corporation of the City of Kingston shall have the right, at its option, to redeem the debentures bearing the latest maturity date on any interest date prior to maturity at the Office of the City-Treasurer, Kingston, upon payment of the principal amounts thereof, together with interest accrued to date of redemption, and upon giving previous notice of its intention to redeem by advertising once in *The Ontario Gazette*, once in a daily newspaper of general Provincial circulation published in the City of Toronto, once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose

name a debenture so to be redeemed is registered at the address shown in the debenture registering book.

8. The contribution authorized under this by-law shall be made in accordance with the terms and conditions of the said By-law No. 352 as amended by By-law No. 747-1950.

9. This by-law shall come into force and take effect on its passing after validation by Special Act of the Legislative Assembly of Ontario.

(L.S.) (Sgd.) CLIFFORD A. CURTIS,
Mayor.
(Sgd.) C. C. WYATT,
City Clerk-Comptroller.

Schedule A

	<i>Principal</i>	<i>Interest</i>	<i>Total</i>
1.	\$5,500.00	\$3,000.00	\$8,500.00
2.	5,500.00	2,835.00	8,335.00
3.	5,500.00	2,670.00	8,170.00
4.	6,000.00	2,505.00	8,505.00
5.	6,000.00	2,325.00	8,325.00
6.	6,000.00	2,145.00	8,145.00
7.	6,500.00	1,965.00	8,465.00
8.	6,500.00	1,770.00	8,270.00
9.	7,000.00	1,575.00	8,575.00
10.	7,000.00	1,365.00	8,365.00
11.	7,000.00	1,155.00	8,155.00
12.	7,500.00	945.00	8,445.00
13.	8,000.00	720.00	8,720.00
14.	8,000.00	480.00	8,480.00
15.	8,000.00	240.00	8,240.00
	<u>\$100,000.00</u>	<u>\$25,695.00</u>	<u>\$125,695.00</u>

SCHEDULE C

BY-LAW No. 752

A By-law to further amend By-law No. 352-1944 as amended by By-law No. 747-1950 providing for the Establishment, Development, and Management of the Kingston Community Memorial Health and Recreation Centre.

PASSED March 18th, 1950.

WHEREAS it is desirable to further amend the provisions of By-law No. 352-1944 as amended by By-law No. 747-1950;

NOW THEREFORE BE IT ENACTED by the council of the Corporation of the City of Kingston as follows:

1. By-law No. 352-1944 as amended by By-law No. 747-1950 is hereby amended by deleting Clause 2 thereof and inserting a new clause 2 as follows:

"The Corporation of the City of Kingston shall make available for the purposes of the Centre on account of capital expenditure for the Centre, the sum of (\$150,000.00) One Hundred and fifty Thousand Dollars."

This by-law shall come into force and take effect on its passing.

(L.S.) (Sgd.) C. C. WYATT,
City Clerk-Comptroller.
CLIFFORD A. CURTIS,
Mayor.



An Act respecting the City of
Kingston.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. STEWART

*(Reprinted as amended by the Committee on
Private Bills.)*

No. 32

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Kingston.

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1871-1872

1871

1871-1872

1871

No. 32

1950

BILL

An Act respecting the City of Kingston.

WHEREAS the Corporation of the City of Kingston by Preamble.
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, By-laws Nos. 747, 752, validated.
By-law No. 747 passed by the council of the Corporation of
the City of Kingston on the 27th day of February, 1950,
entitled "A By-law to Amend By-law No. 352-1944, providing
for the Establishment, Development, and Management of the
Kingston Community Memorial Health and Recreation
Centre", set out as Schedule A hereto, and By-law No. 752
passed on the 18th day of March, 1950, set out as Schedule C
hereto, are hereby confirmed and declared to be legal, valid
and binding upon the Corporation and the ratepayers thereof
and the Corporation is hereby authorized to do all acts
necessary to carry out the provisions thereof.

2. It is hereby declared that the powers given to the Cor- Effect of Act.
poration by *The City of Kingston Act, 1945* and by this Act
shall not be in derogation of but shall be supplementary to all 1945, c. 30.
powers it may possess by virtue of any special or general Act,
and any provision in *The City of Kingston Act, 1945* and in
this Act shall obtain over any provision which is inconsistent
therewith in any special or general Act.

3.—(1) Subject to the approval of the Ontario Municipal Authority to pass proposed By-law No. 748.
Board, the council of the Corporation may pass the proposed
By-law No. 748, set out as Schedule B hereto, entitled "A
By-law to Authorize the Borrowing of \$100,000.00 upon deben-
tures for the purpose of contributing toward the establish-
ment of a Community Centre".

Validation. (2) The said proposed By-law No. 748 when duly passed and approved by the Ontario Municipal Board shall be legal, valid and binding upon the Corporation of the City of Kingston and the ratepayers thereof.

1945,
c. 30, s. 3,
repealed. **4.** Section 3 of *The City of Kingston Act, 1945* is repealed.

Commence-
ment of Act. **5.** This Act shall come into force on the day it receives the Royal Assent.

Short title. **6.** This Act may be cited as *The City of Kingston Act, 1950*.

SCHEDULE A

BY-LAW No. 747

A By-law to Amend By-law No. 352-1944 providing for the Establishment, Development, and Management of the Kingston Community Memorial Health and Recreation Centre.

PASSED: February 27th, 1950.

WHEREAS it is desirable to amend certain of the provisions of By-law No. 352-1944;

NOW THEREFORE BE IT ENACTED by the council of the Corporation of the City of Kingston as follows:

By-law No. 352-1944 is hereby amended to read as follows:

PART I

1. The Kingston Community Memorial Health and Recreation Centre Committee shall deposit the monies raised by public subscription in a special account in a chartered bank in the name of the Kingston Community Health and Recreation Centre Committee and the Corporation of the City of Kingston and the City Treasurer shall be the Treasurer of the said account.

2. Upon receipt of a certificate of the City Treasurer that the sum of (\$100,000.00) One Hundred Thousand Dollars has been raised by public subscriptions and grants have been made by the Dominion of Canada and the Province of Ontario in the sum of One Hundred and Fifty Thousand Dollars (\$150,000.00) each respectively and assigned to the Treasurer of the Corporation of the City of Kingston, the Corporation of the City of Kingston shall make available for the purposes of the Centre the sum of One Hundred Thousand Dollars under the terms and conditions of this by-law.

3. All cheques drawn on the said account shall be signed by the Chairman of the Building Committee and the City Treasurer after accounts have been passed by City Council and approved for payment.

No disbursement is to be made from the said account unless, and until, such disbursement has been approved by City Council in the manner as provided for in Section 4 (a) of this by-law.

4. (a) There shall be a Building Committee of not less than five members, appointed by City Council whose duties shall be to arrange for the construction of the necessary units of the proposed Community Centre, and the submission of written Reports, accompanied by Certificates from the Architect, to City Council stating the progress made in the construction of the units and recommending any payments due to the Contractor or any other person or persons entitled thereto.

4. (b) Before the building of the project is started or any contracts awarded or any funds paid out or debts incurred the City Council must be satisfied, as shown by a resolution formally entered in its Minutes, that the funds in hand are sufficient and adequate to build and complete the project or such part thereof as Council decides to proceed with from time to time, and all proposed plans, specifications and contracts are to be submitted to City Council for approval and no contract shall be made without such approval.

4. (c) The Council of the Corporation of the City of Kingston may appoint a Board of Trustees referred to in paragraph 9 infra at any time and may transfer the powers given by this by-law to the Building Committee to such Board of Trustees upon which appointment and transfer the Building Committee shall thereupon cease to exist.

5. (a) The City Treasurer shall pay into the said account such monies as Council may direct by resolution from time to time.

5. (b) The City Treasurer shall pay out of the said account to the Contractor or any other person or persons entitled thereto, from time to time, such monies as are recommended to be paid by the Building Committee and as are approved by Council.

6. No substantial alterations, modifications or changes, nor alterations, modifications or changes involving an expenditure exceeding Five Hundred Dollars (\$500.00) shall be made by the Building Committee in the plans and specifications which have been finally approved by City Council and upon which contracts have been let, without the approval of the City Council upon the recommendation of the Committee on Finance and Accounts.

7. The said project and related plans and specifications may include the following units which may be proceeded with in whole or in part and in any precedence considered desirable, as may be determined by resolution by the council of the Corporation of the City of Kingston:—

Auditorium,
Grand Stand,
Swimming Pool,

Children's Playground and equipment,
Facilities for Outdoor Sports,
Agricultural buildings and subsidiaries.

PART II

8. Title to the property, both real and personal, including all buildings, machinery, equipment, accessories and other chattels used in connection with the said Centre shall be vested, free of all encumbrances, in the Corporation of the City of Kingston.

9. There shall be appointed by City Council a Board to be known as the Board of Trustees of the Kingston Community Memorial Health and Recreation Centre.

10. The Board shall consist of eleven Members of whom the Mayor shall be an ex-officio member and the other Members shall be appointed by City Council of whom three may be aldermen who will be appointed annually and the other seven may be appointed for a three year term and in any event all members shall hold office until their successors are appointed.

11. The general management, regulation and control of the said Centre shall be vested in and shall be exercised by the Board, and it shall be the duty of the Board to manage, regulate and control the said Centre in accordance with the provisions of this by-law and the Board shall properly maintain the said Centre and the grounds thereof.

12. Upon completion of the approved building programme, such portion of the funds remaining in the special fund and raised for the purpose of the said Centre shall be transferred to the said Board to be used by it for the purpose of operating and maintaining the said Centre.

13. The first meeting of the Board shall be called by the Mayor as temporary Chairman, at which meeting the Board shall enact Rules of Procedure to provide for the conduct of its affairs and such Rules of Procedure and amendments thereto must be ratified by by-law of City Council.

14. The Board shall fix and be entitled to charge and collect such rates, fees or amounts as it may deem advisable for the use of, or admission to any of the units of the Centre.

15. The fiscal year for the purpose of the general management of the said Centre shall end with the calendar year.

16. The Board shall meet at least once a month and more frequently if so required.

17. In the case of a vacancy on the Board a successor shall be appointed by City Council to complete the unexpired term.

18. (a) The Members of the Building Committee and of the Board shall serve without remuneration and the Building Committee and the Board may employ such professional, technical or clerical assistance as may be deemed necessary.

18. (b) The Board shall have power to pass resolutions not contrary to the provisions of this by-law, to regulate and govern the conduct of its affairs.

18. (c) Fire, liability, and any other insurance deemed necessary, shall be included in the Corporation's insurance schedules and the cost thereof shall be a charge against the revenue of the project.

19. (a) The Board shall submit to City Council an annual report on its operations and activities.

19. (b) The Board shall submit annually to City Council not later than February 15th a Budget of its estimated expenditures and revenues for both current and capital purposes for the current year. The Budget shall be in a form determined by City Council, and shall, after making all proper deductions and allowances, show clearly the estimated surplus or deficits.

The use and disposal of any surplus shall be determined by City Council and all deficits shall be assumed by the Corporation. Deficits or surpluses shall not be accumulated without the approval of City Council.

19. (c) No expenditures shall be made, or indebtedness incurred which are not specifically provided for in the Budget, approved by City Council, unless City Council consents to a transfer for the purpose from an unexpended appropriation or other available funds.

The Board shall not be permitted to make any bank loans, bank overdrafts or loans of any nature.

20. The City Auditor shall perform an annual audit and make such special examinations and reports as may from time to time be desired, and the cost thereof shall be a charge against the revenue of the project.

21. Part II of this by-law may be amended from time to time upon two-thirds vote of the members of City Council.

This by-law shall come into force and take effect on its passing.

(L.S.)

(Sgd.) CLIFFORD A. CURTIS,
Mayor.

(Sgd.) C. C. WYATT,
City Clerk-Comptroller.

SCHEDULE B

BY-LAW NO. 748

A By-law to Authorize the Borrowing of \$100,000.00 upon debentures for the purpose of contributing toward the establishment of a Community Centre.

PASSED: February 27th, 1950.

WHEREAS the Kingston Community Memorial Health and Recreation Centre Committee, hereafter referred to as the Centre Committee, is represented as being a charitable organization established for the purposes of organizing activities for the promotion of the health, social welfare, and recreation of the people of the City of Kingston, and composed of citizens and societies interested in the said objects;

AND WHEREAS the amount of the debenture debt to be incurred under this by-law is One Hundred Thousand Dollars (\$100,000.00);

AND WHEREAS it is deemed expedient to make the principal repayable in equal annual instalments during the period of fifteen years from the date of the issue of the said debentures with interest thereon at the rate of three per cent (3%) per annum;

AND WHEREAS it will be necessary to raise annually during the said period of fifteen years to pay the said annual instalments of principal and interest as they become due and payable the amounts hereinafter specified by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality;

AND WHEREAS the amount of the whole rateable property in the City of Kingston according to the last revised assessment roll is \$34,863,745;

AND WHEREAS the amount of the existing debenture debt of the Corporation is \$2,676,526.15, exclusive of Local Improvement debt secured by special rate or assessment, and no part of the principal or interest is in arrears;

THEREFORE the Municipal Council of the Corporation of the City of Kingston enacts as follows:

1. That, subject to the following terms and conditions, a contribution of One Hundred Thousand Dollars (\$100,000.00) be made to the Kingston Community Memorial Health and Recreation Centre, and for the purposes aforesaid it shall be lawful for the Council of the Corporation of the City of Kingston to borrow upon debentures of the Corporation the sum of One Hundred Thousand Dollars (\$100,000.00) and debentures shall be made and issued therefor in sums of not less than \$100.00 each, which debentures shall be signed by the Mayor and countersigned by the Treasurer of the said City and sealed with the Corporation seal.

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed and may bear any date within such two years, and shall be payable in annual instalments during the fifteen years next after the time when the same are issued and the respective amount of principal and interest payable in each of such years shall be set out in Schedule "A" attached.

3. The debentures as to both principal and interest may be expressed in Canadian currency and may be payable at any place in Canada.

4. The Mayor and Treasurer of the Corporation shall sign and issue these debentures which shall be sealed with the seal of the Corporation.

5. Commencing in the year the said debt is incurred and thereafter in each year in which instalments of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sums shown for the respective year in the fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor over and above all rates, from all the rateable property in the Municipality.

6. The said debentures may contain any clause providing for the registration thereof authorized by any statutes relating to municipal debentures in force at the time of the issue thereof.

7. The Corporation of the City of Kingston shall have the right, at its option, to redeem the debentures bearing the latest maturity date on any interest date prior to maturity at the Office of the City-Treasurer, Kingston, upon payment of the principal amounts thereof, together with interest accrued to date of redemption, and upon giving previous notice of its intention to redeem by advertising once in *The Ontario Gazette*, once in a daily newspaper of general Provincial circulation published in the City of Toronto, once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose

name a debenture so to be redeemed is registered at the address shown in the debenture registering book.

8. The contribution authorized under this by-law shall be made in accordance with the terms and conditions of the said By-law No. 352 as amended by By-law No. 747-1950.

9. This by-law shall come into force and take effect on its passing after validation by Special Act of the Legislative Assembly of Ontario.

(L.S.)

(Sgd.) CLIFFORD A. CURTIS,
Mayor.

(Sgd.) C. C. WYATT,
City Clerk-Comptroller.

Schedule A

	<i>Principal</i>	<i>Interest</i>	<i>Total</i>
1.	\$5,500.00	\$3,000.00	\$8,500.00
2.	5,500.00	2,835.00	8,335.00
3.	5,500.00	2,670.00	8,170.00
4.	6,000.00	2,505.00	8,505.00
5.	6,000.00	2,325.00	8,325.00
6.	6,000.00	2,145.00	8,145.00
7.	6,500.00	1,965.00	8,465.00
8.	6,500.00	1,770.00	8,270.00
9.	7,000.00	1,575.00	8,575.00
10.	7,000.00	1,365.00	8,365.00
11.	7,000.00	1,155.00	8,155.00
12.	7,500.00	945.00	8,445.00
13.	8,000.00	720.00	8,720.00
14.	8,000.00	480.00	8,480.00
15.	8,000.00	240.00	8,240.00
	<u>\$100,000.00</u>	<u>\$25,695.00</u>	<u>\$125,695.00</u>

SCHEDULE C

BY-LAW No. 752

A By-law to further amend By-law No. 352-1944 as amended by By-law No. 747-1950 providing for the Establishment, Development, and Management of the Kingston Community Memorial Health and Recreation Centre.

PASSED March 18th, 1950.

WHEREAS it is desirable to further amend the provisions of By-law No. 352-1944 as amended by By-law No. 747-1950;

NOW THEREFORE BE IT ENACTED by the council of the Corporation of the City of Kingston as follows:

1. By-law No. 352-1944 as amended by By-law No. 747-1950 is hereby amended by deleting Clause 2 thereof and inserting a new clause 2 as follows:

"The Corporation of the City of Kingston shall make available for the purposes of the Centre on account of capital expenditure for the Centre, the sum of (\$150,000.00) One Hundred and fifty Thousand Dollars."

This by-law shall come into force and take effect on its passing.

(Sgd.) C. C. WYATT,
City Clerk-Comptroller.

(L.S.)

CLIFFORD A. CURTIS,
Mayor.



An Act respecting the City of
Kingston.

1st Reading

March 8th, 1950

2nd Reading

March 27th, 1950

3rd Reading

March 30th, 1950

MR. STEWART

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Sault Ste. Marie.

MR. HARVEY (Sault Ste. Marie)

(PRIVATE BILL)



No. 33

1950

BILL

An Act respecting the City of Sault Ste. Marie.

WHEREAS the Corporation of the City of Sault Ste. Marie (hereinafter called the Corporation) by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 1982 of the Corporation, set forth as the Schedule hereto, being a by-law to provide for the guarantee by the Corporation of the bonds of The Plummer Memorial Public Hospital in the City of Sault Ste. Marie to the amount of \$90,000 and for taking security by way of mortgage for the said guarantee is hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof, and it is declared that the Corporation has power to take and enforce according to its terms the mortgage from the said hospital corporation to secure the said guarantee and that such mortgage when executed by the said hospital corporation shall be valid and binding upon it and the Board of Directors thereof.

By-law
No. 1982
confirmed
and security
mortgage
authorized
and
validated.

2. This Act shall come into force on the day it receives the Royal Assent.

Commence-
ment of Act.

3. This Act may be cited as *The City of Sault Ste. Marie Act, 1950*.

Short title.

SCHEDULE

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW No. 1982

A By-law to provide for the guarantee of The Plummer Memorial Public Hospital Bonds in the amount of \$90,000.00.

WHEREAS The Plummer Memorial Hospital, hereinafter referred to as the hospital, intends to construct for hospital purposes an additional storey to its present hospital building, and for such purpose requires to raise \$90,000.00;

AND WHEREAS the hospital proposes to issue its bonds for \$90,000 repayable with interest at $3\frac{1}{2}$ per centum per annum within twenty years on the instalment basis, and has requested the Corporation of the City of Sault Ste. Marie to guarantee the payment of said bonds, and each of them with interest at $3\frac{1}{2}\%$ to the holders thereof according to their tenor;

AND WHEREAS the said Corporation has agreed on the terms and conditions herein appearing to guarantee the said bonds so to be issued;

AND WHEREAS the liability to be incurred by the said Corporation is the guarantee of bonds to the extent of \$90,000.00 principal and interest thereon at $3\frac{1}{2}$ per centum per annum;

AND WHEREAS the amount of the whole rateable property of the said Corporation according to the last revised assessment roll is \$28,309,190.00;

AND WHEREAS the amount of the debenture debt of the said Corporation is \$2,543,777.15 and there is no principal or interest in arrear;

AND WHEREAS the form of bond intended to be issued by the hospital and the guarantee of the said corporation to be attached thereto, and also the form of mortgage from the hospital are attached hereto as schedules to this By-law;

NOW THEREFORE the Corporation of the City of Sault Ste. Marie enacts as follows:

1. On receiving from the hospital a valid and binding mortgage to the said Corporation with requisite evidence of such validity and obligation of the hospital, in the form and embodying the terms contained in the form hereto attached, and marked Schedule "A" to and forming part of this By-law, or such variation in form but not in substance as Counsel of the said Corporation may approve, the Mayor and Clerk of the said Corporation are hereby authorized and directed to execute the contract of guarantee of the Corporation attached to a sufficient number of Bonds of the hospital each of the face value of \$100.00 or multiples thereof to make in all the issue of \$90,000.00 in said bonds to be in the form, and in the terms contained in the form of bond and guarantee attached to and forming part of this By-law and marked Schedule "B" hereto, the blanks in said form of bond providing for repayment date shall provide for the repayment of the bonds to be issued in the amounts, and at the times shown in the recitals of the mortgage attached hereto as Schedule "A".

2. For the purpose of carrying out this By-law and effecting the guarantee and taking the security herein provided for the Mayor and Clerk of the said Corporation are authorized and empowered in the name of the Corporation to execute the said guarantees and the said mortgage and to attach thereto the corporate seal of the said Corporation and to do all things necessary for carrying into effect the matters provided in this By-law and the schedules attached hereto.

READ a first, second and third time and finally passed in open Council, this 27th day of February, 1950.

(Seal)

C. H. SMALE,
Mayor.
G. H. TOLLEY,
Clerk.

Schedule "A"

THIS INDENTURE, made in quadruplicate, this 20th day of January, A.D. 1950.

BETWEEN:

THE PLUMMER MEMORIAL PUBLIC HOSPITAL, hereinafter called the "Mortgagor",

OF THE FIRST PART,

—and—

THE MUNICIPAL CORPORATION OF THE CITY OF SAULT STE. MARIE, hereinafter called the "Mortgagee",

OF THE SECOND PART.

WHEREAS the Mortgagor is operating a hospital in the City of Sault Ste. Marie, in the District of Algoma, in the Province of Ontario, and is the owner of the lands and premises, personal property, goods, chattels, equipment and effects hereinafter described;

AND WHEREAS for the purpose of providing additional hospital space by means of the construction of an additional storey to the present hospital building on the lands and premises hereinafter described the Mortgagor has issued a series of bonds totalling Ninety Thousand (\$90,000.00) Dollars bearing three and one-half percent ($3\frac{1}{2}\%$) interest payable half-yearly consisting of bonds of the denomination of One Hundred (\$100.00) Dollars or multiples thereof and payable as follows:—

January 1st, 1951....\$3,300.00	January 1st, 1961...\$4,500.00
January 1st, 1952.... 3,300.00	January 1st, 1962... 4,800.00
January 1st, 1953.... 3,600.00	January 1st, 1963... 4,800.00
January 1st, 1954.... 3,600.00	January 1st, 1964... 5,100.00
January 1st, 1955.... 3,600.00	January 1st, 1965... 5,100.00
January 1st, 1956.... 3,600.00	January 1st, 1966... 5,400.00
January 1st, 1957.... 3,900.00	January 1st, 1967... 5,400.00
January 1st, 1958.... 3,900.00	January 1st, 1968... 5,700.00
January 1st, 1959.... 4,200.00	January 1st, 1969... 6,000.00
January 1st, 1960.... 4,200.00	January 1st, 1970... 6,000.00

together with interest at the rate of three and one-half percent ($3\frac{1}{2}\%$) per annum payable half yearly on the 15th day of January and July, in each year during the currency of the said bond issue, with proviso for redemption and payment of the said bonds prior to the due dates thereof;

AND WHEREAS the Mortgagee has guaranteed payment of the said bonds and interest thereon and the Mortgagor has agreed to execute this Indenture to indemnify the Mortgagee with respect to and against all liability under such guarantee;

NOW THEREFORE THIS INDENTURE WITNESSETH that the Mortgagor in pursuance of the premises and agreement and for the purposes aforesaid and in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada to it in hand paid by the Mortgagee to the Mortgagor, at or before the execution and delivery of these presents (the receipt whereof is hereby acknowledged) doth hereby grant, bargain, sell, alien, release, convey, assign, transfer and set over unto the said Mortgagee its successors and assigns all the property of the Mortgagor, both real and personal, moveable and immoveable, corporeal and incorporeal and otherwise, goods, chattels, equipment and effects whatsoever and wheresoever situate and now owned, held or enjoyed by the Mortgagor or which at any time hereafter during the continuance of this security may be acquired, owned, held or enjoyed by it including, but without in any way limiting the generality of the foregoing description, the properties particularly mentioned and described or intended so to be in the Schedule hereunto annexed marked "A", and also all the property of the Mortgagor which may at any time hereafter during the currency of these presents or any renewal thereof be brought or taken into stock or possession by the Mortgagor either upon the said premises or upon any other premises to which it may remove its business or a substantial part thereof or which it now carries on or may hereafter carry on, commence, or start any branch of its business.

TO HAVE AND TO HOLD the said lands and premises, personal property, goods, chattels, equipment and effects hereby conveyed or intended to be unto the said Mortgagee for its use, benefit and security in guaranteeing the bonds above mentioned.

AND THIS INDENTURE FURTHER WITNESSETH that in consideration of the premises the Parties hereto do hereby for themselves, their successors and assigns covenant and agree to and with each other as follows, each party convenanting for the matters and things to be done or permitted to be done by it respectively:

1. Until default shall be made by the Mortgagor in payment of principal and interest of the said bonds or some or one of them, or until default shall be made by the Mortgagor in respect of something herein required to be done or some condition or covenant by it to be performed, the Mortgagor shall be suffered and permitted to carry on its usual hospital undertakings and to use, keep, possess and enjoy the said lands and premises, the said personal property, goods, chattels, equipment and effects and all other property expressed to be conveyed hereby and to take and use the lands, proceeds and issues thereof and the said personal property, goods, chattels, equipment and effects in the same manner and with the same effect as if this Indenture had not been executed.

2. The Mortgagor will pay punctually to the holders of the bonds aforesaid, or any bonds that may be issued in lieu, renewal or in substitution of same the interest thereof half-yearly, as the same shall become due and payable according to the terms in said bonds contained and on the days therein respectively mentioned for the payment of the same and will also on the days mentioned in said bonds respectively, or whenever the said bonds shall, according to the provisions thereof, become due and payable, fully pay off and satisfy the whole of said bonds, principal and interest.

3. The Mortgagor further agrees that it will at all times hereafter pay and discharge all taxes and assessments, all water, gas and electric light rates which are or may hereafter lawfully be assessed or imposed upon the said property and every part thereof as and when any such taxes, assessments or rates shall respectively become due and payable and will not suffer or permit any liens or encumbrances to attach to any part of the said lands, personal property, goods, chattels, equipment and effects and will not suffer or permit any waste thereof. Should the said Mortgagor fail to pay any such taxes, assessments, rates or other charge or charges or suffer or permit any liens to attach to said property or any part thereof, the Mortgagee may at its option pay and discharge the same and may add the amount of such payment to the bonds hereby secured and the same shall bear interest at the said rate of $3\frac{1}{2}\%$ per annum from the time of such payment or payments and shall be payable at the time appointed for the then next ensuing payment of interest on said bonds with a right to the Mortgagee in case of failure on the part of the Mortgagor to pay any such taxes, assessments, rates, charge or charges or attaching liens to realize the amount necessary to pay and discharge the same by the proceedings and remedies and upon like authorization as hereinafter provided in case of default in payment of the interest upon the said bonds, provided, however, that the Mortgagee shall not be bound to advance any moneys necessary for the making of any such payment.

4. The Mortgagor agrees to keep the buildings now erected on said lands or which may hereafter be erected thereon together with all the personal property, goods, chattels, equipment and effects of the Mortgagor covered by this mortgage insured against loss or damage by fire in reputable insurance companies to the full amount of their insurable value and to assign the policy or policies of insurance as further security for the guarantee of the said Mortgagee; and in default thereof it shall be lawful for the Mortgagee to effect such insurance and to pay the premiums therefor and any such premiums paid shall be a lien on the said property and be forthwith due and payable by the Mortgagor. The proceeds of any such policy or policies of insurance shall be applied by the Mortgagee in the replacement, restoration and reconstruction of the destroyed or damaged property or otherwise for the benefit of the mortgaged property with a right always to the Mortgagee in case of any loss by fire to apply to the Bond-holders for a direction or advice respecting the application of the proceeds of any policy

of insurance and for such purpose to convene a meeting of the Bondholders. Provided, however, that after default shall have been made in payment of principal and interest or either of or upon any of the said bonds, the Mortgagee may at its option apply such insurance moneys or any part thereof in payment of such principal or interest or any arrears and may at its option retain the same and hold the said insurance moneys or any part thereof against any liability that may or might thereafter arise under the said guarantee or may at its option pay and reimburse itself all such sums as may have been paid by it under the said guarantee.

5. The Mortgagor further agrees properly to maintain any and all property covered by this mortgage, repairing, renewing and replacing the same as may be necessary to keep the same in as good condition as at present and will not suffer or permit any waste or diminution or deterioration of the said personal property, chattels, equipment and effects.

6. Subject as hereinafter provided, the security hereby constituted shall become enforceable within the meaning hereof in each and every of the events following:

1. If the Mortgagor makes default in payment of any principal moneys or interest secured by said bonds or any of them.
2. If the Mortgagor shall become insolvent or bankrupt or go into liquidation either voluntary or under an Order of a court of competent jurisdiction or make a general assignment for the benefit of creditors or otherwise acknowledge its insolvency.
3. If a liquidator or liquidators, or a receiver or receivers, sequestrator or sequestrators be appointed by the Mortgagor.
4. If any distress or execution be levied or enforced upon or against any of the chattels or property of the Mortgagor.
5. If the Mortgagor should fail or neglect to carry out or observe any covenant, condition or obligation to which it is bound hereunder.
6. If the Mortgagor shall stop payment or cease to carry on its business or threaten so to do.

7. In case default shall be made in payment of the principal or interest of any of the said bonds or if and whenever the security hereby constituted shall in any other way be enforceable as herein provided the Mortgagee may at its discretion and after having given thirty days notice in writing to the Mortgagor enter into and upon or take possession of all or any part of the mortgaged premises and each and every part thereof and thenceforth have, hold, possess and use, the mortgaged premises and each and every part thereof with full power to carry on, manage and conduct thereon and therewith the lawful operations of the Mortgagor, and it shall be lawful for the Mortgagee either after such entry or taking possession as aforesaid or after other entry or taking possession by its officers or agents or without any entry or taking possession and whether in or out of possession and after such notice or advertisement as the Mortgagee shall deem sufficient to sell and dispose of the lands and premises, personal property, goods, chattels, equipment and effects as set out in said Schedule "A" or any of them or any part thereof either as a whole or in separate parcels at public auction or by private sale at such time and place and in such manner and on such terms and conditions as the Mortgagee may deem proper; and it shall be lawful for the Mortgagee to make such sale upon such conditions as to upset and reserve bid or price as it may deem proper. Also to rescind or vary any contract or sale that may have been entered into and resell with or under any of the powers conferred herein and to stop, suspend or adjourn such sale from time to time and to make such sale at the time and place to which the same may be so adjourned, and to make or deliver to the purchaser or purchasers of the said property or any part thereof a good and sufficient deed or deeds for the same, the Mortgagee being hereby constituted the irrevocable attorney of the Mortgagor, for the purposes of making such sale and executing such deeds which sale made as aforesaid shall be a perpetual bar against the Mortgagor, its successors and assigns and all other persons claiming the said property or any part or parcel thereof by, from, through or under the Mortgagee or its assigns.

8. The Mortgagee shall hold the moneys to arise from any sale or realization under this Indenture of the whole or any part of the mortgaged premises upon trust that it shall repay thereout to itself all moneys that may have been paid by it and reimburse itself such moneys and to pay or retain the costs, charges and expenses incurred in or about such sale or realization or otherwise in relation to these presents and shall apply the residue of the said moneys

- (a) For or towards the payment to the holders of the bonds *pari passu* in proportion to the amount due to them respectively and without any preference or priority whatever of all arrears of interest then remaining unpaid on said bonds.
- (b) For or towards payment to the holders of the bonds *pari passu* in proportion to the amount due to them respectively and without any preference or priority either on account of priority of issue or otherwise howsoever of all principal and other moneys then due on such bonds.
- (c) For or towards making full and adequate provision for payment of all bonds and interest or other charges outstanding with respect to said bonds and against all liability that may then have arisen or may thereafter arise on the part of the said Mortgagee with respect thereto.
- (d) The Mortgagee shall pay the surplus, if any of such moneys to the Mortgagor or its assigns.

9. The said Mortgagee may upon the written request of the Mortgagor established by resolution of its Board of Directors and at its expense from time to time and upon such terms and verifications as the Mortgagee may require, release from the lien and operation of these presents and the mortgage hereby created, any part of the mortgaged premises which in the judgment of the Mortgagee it is expedient to release. Provided however, that no such release shall be granted unless the premises and property remaining are adequate security for the amount then outstanding on said bonds.

10. It shall be the duty of the Mortgagee from time to time upon such evidence as it may require to sign and execute such receipts, discharges, acquittances and other documents as may be necessary to effect the reduction of the liability of the Mortgagor to the amount of such bonds as the Mortgagor may have redeemed, paid or cancelled.

11. When all the bonds and interest hereby secured shall have been paid in full and all other sums payable hereunder by the Mortgagor shall have been paid and all guarantees upon said Bonds shall have been surrendered to the Mortgagee and all things hereunder required to be performed by the Mortgagor according to the true intent and meaning of this Deed shall have been duly performed, then, and in that case the mortgaged lands and premises, personal property, goods, chattels, equipment and effects shall revert to the Mortgagor and the Mortgagee in such case upon proof being made to its reasonable satisfaction shall on the demand of the Mortgagor and at the costs and expense of the Mortgagor enter satisfaction of this mortgage upon the records and cause to be executed a discharge and acquittance of the same and execute such other re-conveyance and release of the mortgaged premises as may be reasonably required by the Mortgagor.

12. Wherever in these presents the words "Mortgagor" or "Mortgagee" are referred to or mentioned, such reference or mention, if the context will allow, shall extend to and include their successors and assigns respectively.

IN WITNESS WHEREOF the said Mortgagor has caused its corporate seal to be hereunto affixed and these presents to be signed by Frank J. Davey, its President, and Arthur C. Middlemiss, its Secretary, and the Municipal Corporation of the City of Sault Ste. Marie has caused its corporate seal to be affixed hereto and these presents to be signed by C. Herbert Smale the Mayor thereof and G. Harold Tolley, Clerk.

SIGNED, SEALED AND DELIVERED

In the presence of

.....
President.

.....
Secretary.

C. H. SMALE,
Mayor.

G. H. TOLLEY,
Clerk.

This is Schedule "A"
Referred to in the Within Indenture

1.—ALL AND SINGULAR those certain parcels or tracts of lands and premises, situate, lying and being in the City of Sault Ste. Marie, in the District of Algoma being composed of,

Firstly—All of Park Lot Number Sixteen (16) in the First Concession of Park Lots lying south of Queen Street in the said City of Sault Ste. Marie.

Secondly—The water lot in front of said Park Lot Number Sixteen (16) in the First Concession as shown on a plan of survey by Joseph Cozens, Provincial Land Surveyor, dated Seventeenth July, one thousand eight hundred and eighty-two, of record in the Department of Crown Lands, being all and singular that certain parcel or tract of land covered with water, described as follows; that is to say:—Commencing at the intersection of the division line between lots Sixteen (16) and Seventeen (17), with the water's edge of the St. Mary's River, thence on a course South, twenty-five degrees and fourteen minutes West and following the production of said division line, a distance of seven chains and thirty links more or less to a line shown on the office plan (No. 73) of the Town of Sault Ste. Marie of record in the Department of Crown Lands, as line BC running South, eighty-four degrees and twenty-six minutes East, thence along said line on a course South, eighty-four degrees and twenty-six minutes East a distance of three chains and twenty-five links more or less to the intersection of the division line between lots fifteen and sixteen produced, thence on a course North, twenty-five degrees and fourteen minutes East and along said produced division line, a distance of eight chains and ninety-two links more or less to the water's edge of the St. Mary's River, thence Southwest, and Northwest, and following the water's edge of said River, a distance of five chains more or less to the place of beginning.

Thirdly—The North one-half (N. ½) of Lot Number Six (6), in Block Fifteen (15), Plummer Subdivision in the said City of Sault Ste. Marie, according to a plan thereof registered in the Registry Office for the said District as No. 285.

2.—All the personal property, goods, chattels, equipment and effects of every nature and kind, the property of the Mortgagor, which are now in, upon or about the lands and premises above described and without restriction to the generality of the foregoing, all beds and bedding, surgical instruments, medical and hospital supplies and equipment now in, upon, or about the said premises and all personal property, goods, chattels, equipment and effects of every nature and kind, which being the property of the Mortgagor shall be brought in or upon the said lands and premises during the continuance of this security or any renewal thereof.

Schedule "B"

\$ 00.00

BOND

No.

THE PLUMMER MEMORIAL PUBLIC HOSPITAL

FOR VALUE RECEIVED the Plummer Memorial Public Hospital hereby promises to pay to the registered owner hereof at the main office of the Imperial Bank of Canada, Sault Ste. Marie, Ontario, on the day of _____ A.D. 19____, \$ 00.00 of lawful money of Canada and to pay interest thereon semi-annually in the meantime payable at the same place at the rate of three and one-half (3½%) per centum per annum computed from the 1st day of July, A.D. 1950, and payable half-yearly on the 1st day of January and the 1st day of July during the currency hereof.

THIS BOND is one of a series of bonds totalling ninety-thousand (\$90,000.00) Dollars of the denomination of one hundred (\$100.00) Dollars or multiples thereof, which bear interest at the rate of three and one-half (3½%) per centum per annum, payable semi-annually on the 1st day of January and July in each year during the currency of the said bonds, the principal monies secured by the said bonds being payable as follows:—

January 1st, 1951... \$3,300.00	January 1st, 1961... \$4,500.00
January 1st, 1952... 3,300.00	January 1st, 1962... 4,800.00
January 1st, 1953... 3,600.00	January 1st, 1963... 4,800.00
January 1st, 1954... 3,600.00	January 1st, 1964... 5,100.00
January 1st, 1955... 3,600.00	January 1st, 1965... 5,400.00
January 1st, 1956... 3,600.00	January 1st, 1966... 5,400.00
January 1st, 1957... 3,900.00	January 1st, 1967... 5,400.00
January 1st, 1958... 3,900.00	January 1st, 1968... 5,700.00
January 1st, 1959... 4,200.00	January 1st, 1969... 6,000.00
January 1st, 1960... 4,200.00	January 1st, 1970... 6,000.00

Provided always that the Corporation shall have the right, at its option to redeem all or any of the said bonds issued under the above by-law on any date prior to maturity at the places where and in the monies in which the said bonds are expressed to be payable, upon payment of the principal amount thereof, together with the interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette*, once in a daily newspaper of general Provincial circulation published in the City of Toronto, and once in a local newspaper published in the City of Sault Ste. Marie, such notice to be advertised as aforesaid at least thirty (30) days before the date fixed for redemption and upon giving to the holders thereof notice in writing at least thirty (30) days prior to the date on which the said bonds are to be redeemed.

This Bond shall be registered in the name of the subscriber in proper books to be kept by the said The Plummer Memorial Public Hospital at Sault Ste. Marie, Ontario, and no transfer of this Bond, except upon the proper books of the said, The Plummer Memorial Public Hospital, shall be valid.

Notwithstanding registration, the interest coupons shall continue to be payable to bearer.

This Bond shall not become obligatory for any purpose unless certified by the President and Secretary of the said The Plummer Memorial Public Hospital upon the certificate hereon provided for such purpose.

IN WITNESS WHEREOF the said The Plummer Memorial Public Hospital has caused its corporate seal to be hereunto affixed and signed by its President and countersigned by its Secretary this _____ day of _____, 1950.

THE PLUMMER MEMORIAL PUBLIC HOSPITAL.

By
President.

.....
Secretary.

THE MUNICIPAL CORPORATION OF THE CITY OF SAULT STE. MARIE, for value received, hereby absolutely and unconditionally guarantees to the holder for the time being of the within bond the punctual payment by the within named The Plummer Memorial Public Hospital, of all principal monies and interest to become due on the due dates for the payment thereof under the terms of the said bond, provided that on default of payment of either principal or interest of said bond, the said bond or interest coupons, as the case may be, are presented to the Canadian Bank of Commerce at Sault Ste. Marie, Ontario, and delivered to the said Bank for the said Corporation and all right, title and interest of the said holder in the said bond or/and interest coupons are transferred and assigned to the said Corporation.

IN WITNESS WHEREOF The Municipal Corporation of the City of Sault Ste. Marie has caused its corporate seal to be affixed hereto and this guarantee to be signed by its Mayor and countersigned by its Clerk, this _____ day of _____, A.D. 1950.

THE MUNICIPAL CORPORATION OF
THE CITY OF SAULT STE. MARIE.

By: C. H. SMALE,
Mayor.
G. H. TOLLEY,
Clerk.

CERTIFICATE

This Bond is one of a series of Bonds amounting in the aggregate of Ninety Thousand (\$90,000.00) Dollars referred to in the within Bond.

.....
President.

.....
Secretary.

INTEREST COUPON

The Plummer Memorial Public Hospital will pay the bearer on the _____ day of _____, 19____, and the _____ day of _____, 19____, \$____ of lawful money of Canada at the head office of the Imperial Bank of Canada, Sault Ste. Marie, Ontario, being one-half year's interest at the rate of $3\frac{1}{2}\%$.

.....
President.

.....
Secretary.

BILL

An Act respecting the City of
Sault Ste. Marie.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. HARVEY (Sault Ste. Marie)

(Private Bill)

No. 33

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Sault Ste. Marie.

MR. HARVEY (Sault Ste. Marie)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

THE UNIVERSITY OF CHICAGO

LIBRARY OF THE UNIVERSITY OF CHICAGO

540 EAST 57TH STREET, CHICAGO, ILL. 60637

1911

THE UNIVERSITY OF CHICAGO

1911

THE UNIVERSITY OF CHICAGO

1911

No. 33

1950

BILL

An Act respecting the City of Sault Ste. Marie.

WHEREAS the Corporation of the City of Sault Ste. Marie (hereinafter called the Corporation) by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 1982 of the Corporation, set forth as the Schedule hereto, being a by-law to provide for the guarantee by the Corporation of the bonds of The Plummer Memorial Public Hospital in the City of Sault Ste. Marie to the amount of \$90,000 and for taking security by way of mortgage for the said guarantee is hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof, and it is declared that the Corporation has power to take and enforce according to its terms the mortgage from the said hospital corporation to secure the said guarantee and that such mortgage when executed by the said hospital corporation shall be valid and binding upon it and the Board of Directors thereof.

By-law
No. 1982
confirmed
and security
mortgage
authorized
and
validated.

2. This Act shall come into force on the day it receives the Royal Assent.

Commence-
ment of Act.

3. This Act may be cited as *The City of Sault Ste. Marie Act, 1950*.

Short title.

SCHEDULE

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW No. 1982

A By-law to provide for the guarantee of The Plummer Memorial Public Hospital Bonds in the amount of \$90,000.00.

WHEREAS The Plummer Memorial Hospital, hereinafter referred to as the hospital, intends to construct for hospital purposes an additional storey to its present hospital building, and for such purpose requires to raise \$90,000.00;

AND WHEREAS the hospital proposes to issue its bonds for \$90,000 repayable with interest at $3\frac{1}{2}$ per centum per annum within twenty years on the instalment basis, and has requested the Corporation of the City of Sault Ste. Marie to guarantee the payment of said bonds, and each of them with interest at $3\frac{1}{2}\%$ to the holders thereof according to their tenor;

AND WHEREAS the said Corporation has agreed on the terms and conditions herein appearing to guarantee the said bonds so to be issued;

AND WHEREAS the liability to be incurred by the said Corporation is the guarantee of bonds to the extent of \$90,000.00 principal and interest thereon at $3\frac{1}{2}$ per centum per annum;

AND WHEREAS the amount of the whole rateable property of the said Corporation according to the last revised assessment roll is \$28,309,190.00;

AND WHEREAS the amount of the debenture debt of the said Corporation is \$2,543,777.15 and there is no principal or interest in arrear;

AND WHEREAS the form of bond intended to be issued by the hospital and the guarantee of the said corporation to be attached thereto, and also the form of mortgage from the hospital are attached hereto as schedules to this By-law;

NOW THEREFORE the Corporation of the City of Sault Ste. Marie enacts as follows:

1. On receiving from the hospital a valid and binding mortgage to the said Corporation with requisite evidence of such validity and obligation of the hospital, in the form and embodying the terms contained in the form hereto attached, and marked Schedule "A" to and forming part of this By-law, or such variation in form but not in substance as Counsel of the said Corporation may approve, the Mayor and Clerk of the said Corporation are hereby authorized and directed to execute the contract of guarantee of the Corporation attached to a sufficient number of Bonds of the hospital each of the face value of \$100.00 or multiples thereof to make in all the issue of \$90,000.00 in said bonds to be in the form, and in the terms contained in the form of bond and guarantee attached to and forming part of this By-law and marked Schedule "B" hereto, the blanks in said form of bond providing for repayment date shall provide for the repayment of the bonds to be issued in the amounts, and at the times shown in the recitals of the mortgage attached hereto as Schedule "A".

2. For the purpose of carrying out this By-law and effecting the guarantee and taking the security herein provided for the Mayor and Clerk of the said Corporation are authorized and empowered in the name of the Corporation to execute the said guarantees and the said mortgage and to attach thereto the corporate seal of the said Corporation and to do all things necessary for carrying into effect the matters provided in this By-law and the schedules attached hereto.

READ a first, second and third time and finally passed in open Council, this 27th day of February, 1950.

(Seal)

C. H. SMALE,
Mayor.
G. H. TOLLEY,
Clerk.

Schedule "A"

THIS INDENTURE, made in quadruplicate, this 20th day of January, A.D. 1950.

BETWEEN:

THE PLUMMER MEMORIAL PUBLIC HOSPITAL, hereinafter called the "Mortgagor",

OF THE FIRST PART,

—and—

THE MUNICIPAL CORPORATION OF THE CITY OF SAULT STE. MARIE, hereinafter called the "Mortgagee",

OF THE SECOND PART.

WHEREAS the Mortgagor is operating a hospital in the City of Sault Ste. Marie, in the District of Algoma, in the Province of Ontario, and is the owner of the lands and premises, personal property, goods, chattels, equipment and effects hereinafter described;

AND WHEREAS for the purpose of providing additional hospital space by means of the construction of an additional storey to the present hospital building on the lands and premises hereinafter described the Mortgagor has issued a series of bonds totalling Ninety Thousand (\$90,000.00) Dollars bearing three and one-half percent ($3\frac{1}{2}\%$) interest payable half-yearly consisting of bonds of the denomination of One Hundred (\$100.00) Dollars or multiples thereof and payable as follows:—

January 1st, 1951....\$3,300.00	January 1st, 1961...\$4,500.00
January 1st, 1952.... 3,300.00	January 1st, 1962... 4,800.00
January 1st, 1953.... 3,600.00	January 1st, 1963... 4,800.00
January 1st, 1954.... 3,600.00	January 1st, 1964... 5,100.00
January 1st, 1955.... 3,600.00	January 1st, 1965... 5,100.00
January 1st, 1956.... 3,600.00	January 1st, 1966... 5,400.00
January 1st, 1957.... 3,900.00	January 1st, 1967... 5,400.00
January 1st, 1958.... 3,900.00	January 1st, 1968... 5,700.00
January 1st, 1959.... 4,200.00	January 1st, 1969... 6,000.00
January 1st, 1960.... 4,200.00	January 1st, 1970... 6,000.00

together with interest at the rate of three and one-half percent ($3\frac{1}{2}\%$) per annum payable half yearly on the 15th day of January and July, in each year during the currency of the said bond issue, with proviso for redemption and payment of the said bonds prior to the due dates thereof;

AND WHEREAS the Mortgagee has guaranteed payment of the said bonds and interest thereon and the Mortgagor has agreed to execute this Indenture to indemnify the Mortgagee with respect to and against all liability under such guarantee;

NOW THEREFORE THIS INDENTURE WITNESSETH that the Mortgagor in pursuance of the premises and agreement and for the purposes aforesaid and in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada to it in hand paid by the Mortgagee to the Mortgagor, at or before the execution and delivery of these presents (the receipt whereof is hereby acknowledged) doth hereby grant, bargain, sell, alien, release, convey, assign, transfer and set over unto the said Mortgagee its successors and assigns all the property of the Mortgagor, both real and personal, moveable and immoveable, corporeal and incorporeal and otherwise, goods, chattels, equipment and effects whatsoever and wheresoever situate and now owned, held or enjoyed by the Mortgagor or which at any time hereafter during the continuance of this security may be acquired, owned, held or enjoyed by it including, but without in any way limiting the generality of the foregoing description, the properties particularly mentioned and described or intended so to be in the Schedule hereunto annexed marked "A", and also all the property of the Mortgagor which may at any time hereafter during the currency of these presents or any renewal thereof be brought or taken into stock or possession by the Mortgagor either upon the said premises or upon any other premises to which it may remove its business or a substantial part thereof or which it now carries on or may hereafter carry on, commence, or start any branch of its business.

TO HAVE AND TO HOLD the said lands and premises, personal property, goods, chattels, equipment and effects hereby conveyed or intended to be unto the said Mortgagee for its use, benefit and security in guaranteeing the bonds above mentioned.

AND THIS INDENTURE FURTHER WITNESSETH that in consideration of the premises the Parties hereto do hereby for themselves, their successors and assigns covenant and agree to and with each other as follows, each party covenanting for the matters and things to be done or permitted to be done by it respectively:

1. Until default shall be made by the Mortgagor in payment of principal and interest of the said bonds or some or one of them, or until default shall be made by the Mortgagor in respect of something herein required to be done or some condition or covenant by it to be performed, the Mortgagor shall be suffered and permitted to carry on its usual hospital undertakings and to use, keep, possess and enjoy the said lands and premises, the said personal property, goods, chattels, equipment and effects and all other property expressed to be conveyed hereby and to take and use the lands, proceeds and issues thereof and the said personal property, goods, chattels, equipment and effects in the same manner and with the same effect as if this Indenture had not been executed.

2. The Mortgagor will pay punctually to the holders of the bonds aforesaid, or any bonds that may be issued in lieu, renewal or in substitution of same the interest thereof half-yearly, as the same shall become due and payable according to the terms in said bonds contained and on the days therein respectively mentioned for the payment of the same and will also on the days mentioned in said bonds respectively, or whenever the said bonds shall, according to the provisions thereof, become due and payable, fully pay off and satisfy the whole of said bonds, principal and interest.

3. The Mortgagor further agrees that it will at all times hereafter pay and discharge all taxes and assessments, all water, gas and electric light rates which are or may hereafter lawfully be assessed or imposed upon the said property and every part thereof as and when any such taxes, assessments or rates shall respectively become due and payable and will not suffer or permit any liens or encumbrances to attach to any part of the said lands, personal property, goods, chattels, equipment and effects and will not suffer or permit any waste thereof. Should the said Mortgagor fail to pay any such taxes, assessments, rates or other charge or charges or suffer or permit any liens to attach to said property or any part thereof, the Mortgagee may at its option pay and discharge the same and may add the amount of such payment to the bonds hereby secured and the same shall bear interest at the said rate of $3\frac{1}{2}\%$ per annum from the time of such payment or payments and shall be payable at the time appointed for the then next ensuing payment of interest on said bonds with a right to the Mortgagee in case of failure on the part of the Mortgagor to pay any such taxes, assessments, rates, charge or charges or attaching liens to realize the amount necessary to pay and discharge the same by the proceedings and remedies and upon like authorization as hereinafter provided in case of default in payment of the interest upon the said bonds, provided, however, that the Mortgagee shall not be bound to advance any moneys necessary for the making of any such payment.

4. The Mortgagor agrees to keep the buildings now erected on said lands or which may hereafter be erected thereon together with all the personal property, goods, chattels, equipment and effects of the Mortgagor covered by this mortgage insured against loss or damage by fire in reputable insurance companies to the full amount of their insurable value and to assign the policy or policies of insurance as further security for the guarantee of the said Mortgagee; and in default thereof it shall be lawful for the Mortgagee to effect such insurance and to pay the premiums therefor and any such premiums paid shall be a lien on the said property and be forthwith due and payable by the Mortgagor. The proceeds of any such policy or policies of insurance shall be applied by the Mortgagee in the replacement, restoration and reconstruction of the destroyed or damaged property or otherwise for the benefit of the mortgaged property with a right always to the Mortgagee in case of any loss by fire to apply to the Bond-holders for a direction or advice respecting the application of the proceeds of any policy

of insurance and for such purpose to convene a meeting of the Bondholders. Provided, however, that after default shall have been made in payment of principal and interest or either of or upon any of the said bonds, the Mortgagee may at its option apply such insurance moneys or any part thereof in payment of such principal or interest or any arrears and may at its option retain the same and hold the said insurance moneys or any part thereof against any liability that may or might thereafter arise under the said guarantee or may at its option pay and reimburse itself all such sums as may have been paid by it under the said guarantee.

5. The Mortgagor further agrees properly to maintain any and all property covered by this mortgage, repairing, renewing and replacing the same as may be necessary to keep the same in as good condition as at present and will not suffer or permit any waste or diminution or deterioration of the said personal property, chattels, equipment and effects.

6. Subject as hereinafter provided, the security hereby constituted shall become enforceable within the meaning hereof in each and every of the events following:

1. If the Mortgagor makes default in payment of any principal moneys or interest secured by said bonds or any of them.
2. If the Mortgagor shall become insolvent or bankrupt or go into liquidation either voluntary or under an Order of a court of competent jurisdiction or make a general assignment for the benefit of creditors or otherwise acknowledge its insolvency.
3. If a liquidator or liquidators, or a receiver or receivers, sequestrator or sequestrators be appointed by the Mortgagor.
4. If any distress or execution be levied or enforced upon or against any of the chattels or property of the Mortgagor.
5. If the Mortgagor should fail or neglect to carry out or observe any covenant, condition or obligation to which it is bound hereunder.
6. If the Mortgagor shall stop payment or cease to carry on its business or threaten so to do.

7. In case default shall be made in payment of the principal or interest of any of the said bonds or if and whenever the security hereby constituted shall in any other way be enforceable as herein provided the Mortgagee may at its discretion and after having given thirty days notice in writing to the Mortgagor enter into and upon or take possession of all or any part of the mortgaged premises and each and every part thereof and thenceforth have, hold, possess and use, the mortgaged premises and each and every part thereof with full power to carry on, manage and conduct thereon and therewith the lawful operations of the Mortgagor, and it shall be lawful for the Mortgagee either after such entry or taking possession as aforesaid or after other entry or taking possession by its officers or agents or without any entry or taking possession and whether in or out of possession and after such notice or advertisement as the Mortgagee shall deem sufficient to sell and dispose of the lands and premises, personal property, goods, chattels, equipment and effects as set out in said Schedule "A" or any of them or any part thereof either as a whole or in separate parcels at public auction or by private sale at such time and place and in such manner and on such terms and conditions as the Mortgagee may deem proper; and it shall be lawful for the Mortgagee to make such sale upon such conditions as to upset and reserve bid or price as it may deem proper. Also to rescind or vary any contract or sale that may have been entered into and resell with or under any of the powers conferred herein and to stop, suspend or adjourn such sale from time to time and to make such sale at the time and place to which the same may be so adjourned, and to make or deliver to the purchaser or purchasers of the said property or any part thereof a good and sufficient deed or deeds for the same, the Mortgagee being hereby constituted the irrevocable attorney of the Mortgagor, for the purposes of making such sale and executing such deeds which sale made as aforesaid shall be a perpetual bar against the Mortgagor, its successors and assigns and all other persons claiming the said property or any part or parcel thereof by, from, through or under the Mortgagor or its assigns.

8. The Mortgagee shall hold the moneys to arise from any sale or realization under this Indenture of the whole or any part of the mortgaged premises upon trust that it shall repay thereout to itself all moneys that may have been paid by it and reimburse itself such moneys and to pay or retain the costs, charges and expenses incurred in or about such sale or realization or otherwise in relation to these presents and shall apply the residue of the said moneys

- (a) For or towards the payment to the holders of the bonds *pari passu* in proportion to the amount due to them respectively and without any preference or priority whatever of all arrears of interest then remaining unpaid on said bonds.
- (b) For or towards payment to the holders of the bonds *pari passu* in proportion to the amount due to them respectively and without any preference or priority either on account of priority of issue or otherwise howsoever of all principal and other moneys then due on such bonds.
- (c) For or towards making full and adequate provision for payment of all bonds and interest or other charges outstanding with respect to said bonds and against all liability that may then have arisen or may thereafter arise on the part of the said Mortgagee with respect thereto.
- (d) The Mortgagee shall pay the surplus, if any of such moneys to the Mortgagor or its assigns.

9. The said Mortgagee may upon the written request of the Mortgagor established by resolution of its Board of Directors and at its expense from time to time and upon such terms and verifications as the Mortgagee may require, release from the lien and operation of these presents and the mortgage hereby created, any part of the mortgaged premises which in the judgment of the Mortgagee it is expedient to release. Provided however, that no such release shall be granted unless the premises and property remaining are adequate security for the amount then outstanding on said bonds.

10. It shall be the duty of the Mortgagee from time to time upon such evidence as it may require to sign and execute such receipts, discharges, acquittances and other documents as may be necessary to effect the reduction of the liability of the Mortgagor to the amount of such bonds as the Mortgagor may have redeemed, paid or cancelled.

11. When all the bonds and interest hereby secured shall have been paid in full and all other sums payable hereunder by the Mortgagor shall have been paid and all guarantees upon said Bonds shall have been surrendered to the Mortgagee and all things hereunder required to be performed by the Mortgagor according to the true intent and meaning of this Deed shall have been duly performed, then, and in that case the mortgaged lands and premises, personal property, goods, chattels, equipment and effects shall revert to the Mortgagor and the Mortgagee in such case upon proof being made to its reasonable satisfaction shall on the demand of the Mortgagor and at the costs and expense of the Mortgagor enter satisfaction of this mortgage upon the records and cause to be executed a discharge and acquittance of the same and execute such other re-conveyance and release of the mortgaged premises as may be reasonably required by the Mortgagor.

12. Wherever in these presents the words "Mortgagor" or "Mortgagee" are referred to or mentioned, such reference or mention, if the context will allow, shall extend to and include their successors and assigns respectively.

IN WITNESS WHEREOF the said Mortgagor has caused its corporate seal to be hereunto affixed and these presents to be signed by Frank J. Davey, its President, and Arthur C. Middlemiss, its Secretary, and the Municipal Corporation of the City of Sault Ste. Marie has caused its corporate seal to be affixed hereto and these presents to be signed by C. Herbert Smale the Mayor thereof and G. Harold Tolley, Clerk.

SIGNED, SEALED AND DELIVERED

In the presence of

.....
President.

.....
Secretary.

C. H. SMALE,
Mayor.

G. H. TOLLEY,
Clerk.

This is Schedule "A"
Referred to in the Within Indenture

1.—ALL AND SINGULAR those certain parcels or tracts of lands and premises, situate, lying and being in the City of Sault Ste. Marie, in the District of Algoma being composed of,

Firstly—All of Park Lot Number Sixteen (16) in the First Concession of Park Lots lying south of Queen Street in the said City of Sault Ste. Marie.

Secondly—The water lot in front of said Park Lot Number Sixteen (16) in the First Concession as shown on a plan of survey by Joseph Cozens, Provincial Land Surveyor, dated Seventeenth July, one thousand eight hundred and eighty-two, of record in the Department of Crown Lands, being all and singular that certain parcel or tract of land covered with water, described as follows; that is to say:—Commencing at the intersection of the division line between lots Sixteen (16) and Seventeen (17), with the water's edge of the St. Mary's River, thence on a course South, twenty-five degrees and fourteen minutes West and following the production of said division line, a distance of seven chains and thirty links more or less to a line shown on the office plan (No. 73) of the Town of Sault Ste. Marie of record in the Department of Crown Lands, as line BC running South, eighty-four degrees and twenty-six minutes East, thence along said line on a course South, eighty-four degrees and twenty-six minutes East a distance of three chains and twenty-five links more or less to the intersection of the division line between lots fifteen and sixteen produced, thence on a course North, twenty-five degrees and fourteen minutes East and along said produced division line, a distance of eight chains and ninety-two links more or less to the water's edge of the St. Mary's River, thence Southwest, and Northwest, and following the water's edge of said River, a distance of five chains more or less to the place of beginning.

Thirdly—The North one-half (N. $\frac{1}{2}$) of Lot Number Six (6), in Block Fifteen (15), Plummer Subdivision in the said City of Sault Ste. Marie, according to a plan thereof registered in the Registry Office for the said District as No. 285.

2.—All the personal property, goods, chattels, equipment and effects of every nature and kind, the property of the Mortgagor, which are now in, upon or about the lands and premises above described and without restriction to the generality of the foregoing, all beds and bedding, surgical instruments, medical and hospital supplies and equipment now in, upon, or about the said premises and all personal property, goods, chattels, equipment and effects of every nature and kind, which being the property of the Mortgagor shall be brought in or upon the said lands and premises during the continuance of this security or any renewal thereof.

Schedule "B"

\$ 00.00

BOND

No.

THE PLUMMER MEMORIAL PUBLIC HOSPITAL

FOR VALUE RECEIVED the Plummer Memorial Public Hospital hereby promises to pay to the registered owner hereof at the main office of the Imperial Bank of Canada, Sault Ste. Marie, Ontario, on the day of _____ A.D. 19____, \$ 00.00 of lawful money of Canada and to pay interest thereon semi-annually in the meantime payable at the same place at the rate of three and one-half (3½%) per centum per annum computed from the 1st day of July, A.D. 1950, and payable half-yearly on the 1st day of January and the 1st day of July during the currency hereof.

THIS BOND is one of a series of bonds totalling ninety-thousand (\$90,000.00) Dollars of the denomination of one hundred (\$100.00) Dollars or multiples thereof, which bear interest at the rate of three and one-half (3½%) per centum per annum, payable semi-annually on the 1st day of January and July in each year during the currency of the said bonds, the principal monies secured by the said bonds being payable as follows:—

January 1st, 1951... \$3,300.00	January 1st, 1961... \$4,500.00
January 1st, 1952... 3,300.00	January 1st, 1962... 4,800.00
January 1st, 1953... 3,600.00	January 1st, 1963... 4,800.00
January 1st, 1954... 3,600.00	January 1st, 1964... 5,100.00
January 1st, 1955... 3,600.00	January 1st, 1965... 5,400.00
January 1st, 1956... 3,600.00	January 1st, 1966... 5,400.00
January 1st, 1957... 3,900.00	January 1st, 1967... 5,400.00
January 1st, 1958... 3,900.00	January 1st, 1968... 5,700.00
January 1st, 1959... 4,200.00	January 1st, 1969... 6,000.00
January 1st, 1960... 4,200.00	January 1st, 1970... 6,000.00

Provided always that the Corporation shall have the right, at its option to redeem all or any of the said bonds issued under the above by-law on any date prior to maturity at the places where and in the monies in which the said bonds are expressed to be payable, upon payment of the principal amount thereof, together with the interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette*, once in a daily newspaper of general Provincial circulation published in the City of Toronto, and once in a local newspaper published in the City of Sault Ste. Marie, such notice to be advertised as aforesaid at least thirty (30) days before the date fixed for redemption and upon giving to the holders thereof notice in writing at least thirty (30) days prior to the date on which the said bonds are to be redeemed.

This Bond shall be registered in the name of the subscriber in proper books to be kept by the said The Plummer Memorial Public Hospital at Sault Ste. Marie, Ontario, and no transfer of this Bond, except upon the proper books of the said, The Plummer Memorial Public Hospital, shall be valid.

Notwithstanding registration, the interest coupons shall continue to be payable to bearer.

This Bond shall not become obligatory for any purpose unless certified by the President and Secretary of the said The Plummer Memorial Public Hospital upon the certificate hereon provided for such purpose.

IN WITNESS WHEREOF the said The Plummer Memorial Public Hospital has caused its corporate seal to be hereunto affixed and signed by its President and countersigned by its Secretary this _____ day of _____, 1950.

THE PLUMMER MEMORIAL PUBLIC HOSPITAL.

By
President.

.....
Secretary.

IN WITNESS WHEREOF The Municipal Corporation of the City of Sault Ste. Marie has caused its corporate seal to be affixed hereto and this guarantee to be signed by its Mayor and countersigned by its Clerk, this _____ day of _____, A.D. 1950.

THE MUNICIPAL CORPORATION OF
THE CITY OF SAULT STE. MARIE.

BY: C. H. SMALE,
Mayor.
G. H. TOLLEY,
Clerk.

This Bond is one of a series of Bonds amounting in the aggregate of Ninety Thousand (\$90,000.00) Dollars referred to in the within Bond.

.....
President.

.....
Secretary.

The Plummer Memorial Public Hospital will pay the bearer on the _____ day of _____, 19____, \$ _____, and the _____ day of _____, 19____, \$ _____ of lawful money of Canada at the head office of the Imperial Bank of Canada, Sault Ste. Marie, Ontario, being one-half year's interest at the rate of 3½%.

President.

Secretary.

An Act respecting the City of
Sault Ste. Marie.

1st Reading

March 8th, 1950

2nd Reading

March 22nd, 1950

3rd Reading

March 24th, 1950

MR. HARVEY (Sault Ste. Marie)

No. 34

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Ottawa Separate School Board.

MR. CHARTRAND

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 34

1950

BILL

An Act respecting the City of Ottawa Separate School Board.

WHEREAS the Board of Trustees of the Roman Catholic Preamble.
 Separate Schools for the City of Ottawa, hereinafter
 called the Board, by its petition has represented that it is
 expedient to provide for the election of its members as herein-
 after set forth to hold office for the terms hereinafter provided;
 and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1.—(1) The Board shall consist of nine trustees, each of Composition of Board.
 whom shall continue in office for four years and until his
 successor has been elected.

(2) Notwithstanding subsection 1, after the first election, Term of office of first members.
 four of the Board, to be determined by vote at the first meeting
 of the Board after such election, shall hold office for two years,
 and the other five for four years.

(3) At every election after the first, there shall be elected Subsequent elections.
 four or five trustees to replace the outgoing four or five
 trustees, as the case may be.

2. The term of office of all trustees of the Board holding Termination of office of present members.
 office on the 31st day of December, 1950, shall become termi-
 nated on that date.

3. Notwithstanding the provisions of *The Separate Schools* Election of trustees by general vote.
Act, an election by general vote, without regard to wards or
 ward boundaries, by the Separate School ratepayers of the
 City of Ottawa for the trustees of the Board, shall be held in Rev. Stat., c. 362.
 the year 1950, at the same time and place and by the same
 returning officer or officers and conducted in the same manner
 as the municipal nominations and elections in and for the City
 of Ottawa, and the provisions of *The Municipal Act* respecting Rev. Stat., c. 266.
 the time and manner of holding nominations and elections,

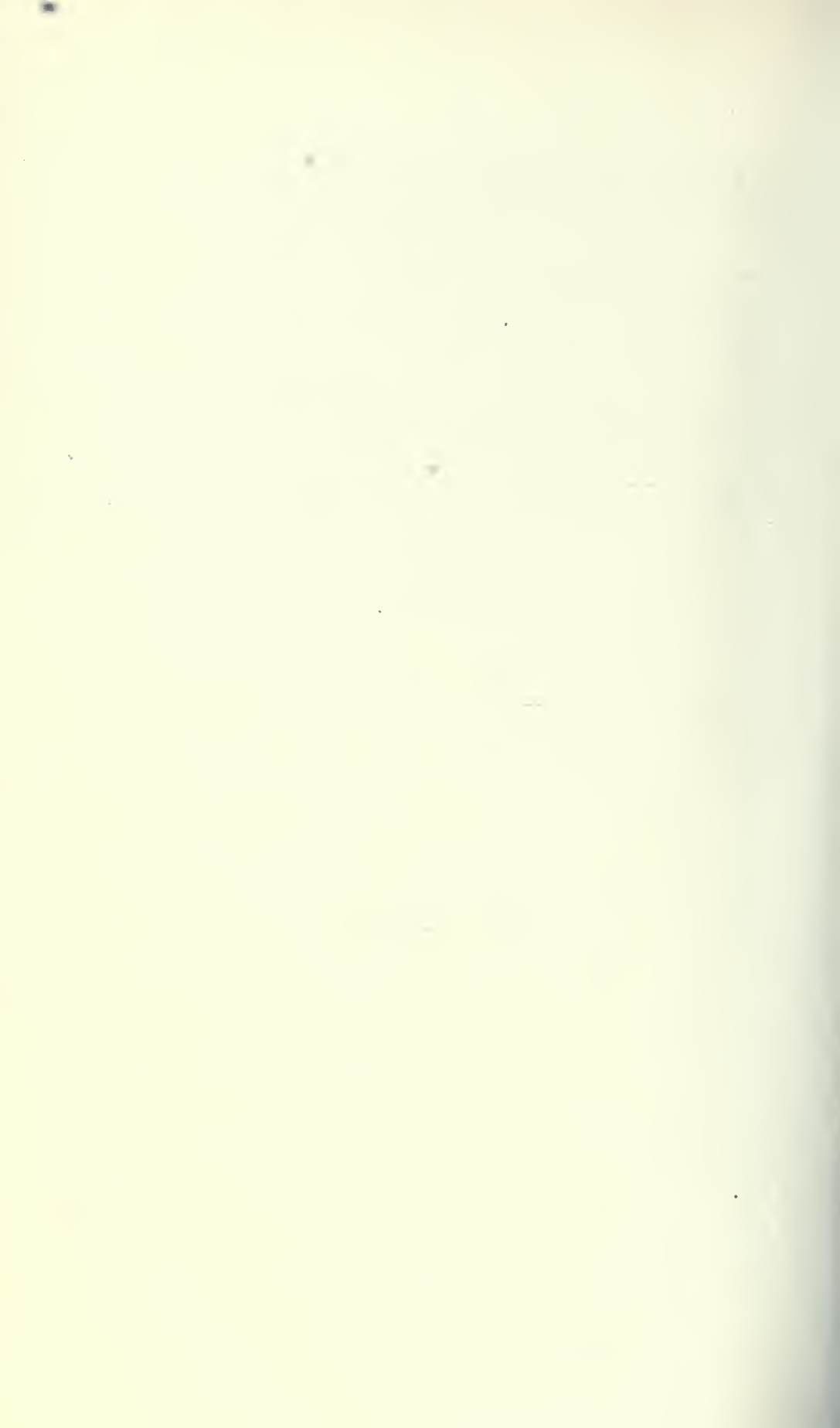
including the method of receiving nominations for office and the resignations of persons nominated and declarations of qualification of office shall apply *mutatis mutandis* to such and all subsequent elections.

Vacancies. **4.** Notwithstanding the provisions of *The Separate Schools Act*, the Board may, by appointment, between any two elections, fill any vacancies which may occur in the Board.

1945, c. 32,
repealed. **5.** *The City of Ottawa Separate School Board Act, 1945* is repealed.

Commence-
ment of Act. **6.** This Act shall come into force on the day it receives the Royal Assent.

Short title. **7.** This Act may be cited as *The City of Ottawa Separate School Board Act, 1950*.



BILL

An Act respecting the City of Ottawa
Separate School Board.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. CHARTRAND

(*Private Bill*)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the City of Ottawa Separate School Board.

MR. CHARTRAND



No. 34

1950

BILL

An Act respecting the City of Ottawa Separate School Board.

WHEREAS the Board of Trustees of the Roman Catholic Preamble.
 Separate Schools for the City of Ottawa, hereinafter
 called the Board, by its petition has represented that it is
 expedient to provide for the election of its members as herein-
 after set forth to hold office for the terms hereinafter provided;
 and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1.—(1) The Board shall consist of nine trustees, each of Composition
 whom shall continue in office for four years and until his of Board.
 successor has been elected.

(2) Notwithstanding subsection 1, after the first election, Term of
 four of the Board, to be determined by vote at the first meeting office of first
 of the Board after such election, shall hold office for two years, members.
 and the other five for four years.

(3) At every election after the first, there shall be elected Subsequent
 four or five trustees to replace the outgoing four or five elections.
 trustees, as the case may be.

2. The term of office of all trustees of the Board holding Termination
 office on the 31st day of December, 1950, shall become termi- of office
 nated on that date. of present
members.

3. Notwithstanding the provisions of *The Separate Schools* Election of
Act, an election by general vote, without regard to wards or trustees
 ward boundaries, by the Separate School ratepayers of the by general
 City of Ottawa for the trustees of the Board, shall be held in vote.
 the year 1950, at the same time and place and by the same Rev. Stat.,
 returning officer or officers and conducted in the same manner c. 362.
 as the municipal nominations and elections in and for the City
 of Ottawa, and the provisions of *The Municipal Act* respecting Rev. Stat.,
 the time and manner of holding nominations and elections, c. 266.

including the method of receiving nominations for office and the resignations of persons nominated and declarations of qualification of office shall apply *mutatis mutandis* to such and all subsequent elections.

Vacancies.

4. Notwithstanding the provisions of *The Separate Schools Act*, the Board may, by appointment, between any two elections, fill any vacancies which may occur in the Board.

1945, c. 32,
repealed.

5. *The City of Ottawa Separate School Board Act, 1945* is repealed.

Commence-
ment of Act.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The City of Ottawa Separate School Board Act, 1950*.



BILL

An Act respecting the City of Ottawa
Separate School Board.

1st Reading

March 8th, 1950

2nd Reading

March 22nd, 1950

3rd Reading

March 24th, 1950

MR. CHARTRAND

No. 35

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

Act to incorporate The Ontario Municipal Improvement Corporation.

MR. DUNBAR

EXPLANATORY NOTE

This is a new Act establishing a Crown Corporation for the purpose of purchasing debentures issued by municipalities for the works mentioned in subsection 1 of section 1 of the Bill.

BILL

An Act to incorporate The Ontario Municipal Improvement Corporation.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) There is hereby constituted on behalf of His Majesty in right of Ontario a body corporate and politic, ^{Incorporation and objects.} without share capital, under the name of The Ontario Municipal Improvement Corporation, having as its object the purchase from municipalities in Ontario of debentures issued by them for any of the following municipal works and undertakings:

- (a) waterworks and water supply distribution systems;
- (b) sewage works, treatment works, sewer system or sewer, as defined in section 405a of *The Municipal Act*; ^{Rev. Stat., c. 266.}
- (c) plants and works for the incineration of garbage, refuse and wastes; and
- (d) drainage works under *The Municipal Drainage Act*. ^{Rev. Stat., c. 278.}

(2) The Ontario Municipal Improvement Corporation, ^{Membership.} hereinafter called the Corporation, shall be composed of three members who shall hold office as members during the pleasure of the Lieutenant-Governor in Council and who shall be such officers in the public service of Ontario as the Lieutenant-Governor in Council may from time to time appoint.

(3) The three members for the time being of the Corporation shall form and be its board of directors and the Lieutenant-Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board. ^{Board of Directors.}

(4) Subject to the regulations, the affairs of the Corporation shall be under the management and control of the board of directors and in the absence of the chairman, or if at any ^{Management.}

time that office be vacant, the vice-chairman shall have all the powers and perform the duties of the chairman.

Administra-
tion.

(5) In the administration of the affairs of the Corporation, the board of directors shall be assisted by such officers and other employees in the public service of Ontario as the Treasurer of Ontario may assign for the purpose.

Borrowing
powers;

2.—(1) To carry out the object for which it is constituted the Corporation shall have power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan, any sum or sums of money not exceeding in the aggregate \$50,000,000 outstanding at any one time, and such loans may be made in any of the following ways or partly in one and partly in any of the other or others thereof:

debentures;

(a) by the issue and sale of debentures of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide;

bills and
notes;

(b) by the issue and sale of treasury bills or notes of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide; and

temporary
loans.

(c) by temporary loans as the Lieutenant-Governor in Council deems expedient and as the regulations may provide.

Refunding
of loans,
etc.

(2) Subject to the aggregate sum of \$50,000,000 outstanding at any one time mentioned in subsection 1 not being exceeded, the Corporation shall have power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan and by any of the ways set forth in subsection 1, any sum or sums of money for any one or more of the following purposes:

(a) payment, retirement, refunding or renewal of the whole or any part of any debentures, bills or notes issued by the Corporation under clause *a* or *b* of subsection 1; and

(b) payment, retirement, refund or renewal of the whole or any part of any temporary loan made by the Corporation under clause *c* of subsection 1.

3. Every debenture issued by the Corporation shall be expressed to be redeemable, at the option of the Corporation, on any date prior to maturity according to the mode, terms, periods, times and places of redemption approved by the Lieutenant-Governor in Council and as the regulations may provide.

Debentures to be redeemable before maturity.

4. Every debenture, bill or note issued by the Corporation shall contain a statement in the body thereof that it is issued under the authority of this Act and no debenture, bill or note purporting to be issued by the Corporation shall be valid unless such statement is so contained.

Debentures to state source of authorization.

5. Every advertisement for the sale by the Corporation of any of its debentures, bills or notes shall contain a statement that the issue and sale of the debentures, bills or notes are made under the authority of this Act.

Advertisements of sale to state source of authorization.

6. Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the board of directors may provide for its replacement on such terms as to evidence and as to indemnity as the board may require.

Lost debentures.

7.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act.

Guarantee of payment by Province.

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant-Governor in Council.

Form of guaranty.

(3) Every guaranty given or purporting to be given under the authority of this section shall be binding upon the Province and shall not be open to question upon any ground whatsoever.

Validity of guaranty.

(4) Any debenture, bill or note issued by or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, shall be valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed shall not be open to question on any ground whatsoever.

Guaranteed debentures, etc., to be indefeasible.

8. Notwithstanding anything in any other Act, debentures issued by the Corporation shall be at all times a lawful investment for municipal, school and trust funds.

Trustees, etc., investments in debentures.

9.—(1) The Corporation, with the approval of the Lieutenant-Governor in Council and subject to the regulations, may from time to time purchase from any municipality in

Purchase of municipal debentures.

Ontario debentures issued by the municipality for any of the purposes specified in subsection 1 of section 1.

Approval
and valida-
tion
required.

(2) The Corporation shall not purchase any municipal debentures under the authority of this Act until,

Rev. Stat.,
c. 60.

(a) the Ontario Municipal Board has issued its order pursuant to section 70 of *The Ontario Municipal Board Act* authorizing the municipality to proceed with the work or undertaking with respect to which the debentures are required; and

(b) the municipality has had the debentures validated by the Ontario Municipal Board under sections 64 to 66 of *The Ontario Municipal Board Act*.

Municipal
debentures
to rank
pari passu.
Rev. Stat.,
c. 286.

10. Notwithstanding *The Public Utilities Act*, every debenture of a municipality purchased by the Corporation under the authority of this Act shall with respect to payment of principal and interest thereon rank *pari passu* with all other debentures of that municipality and the payment of principal and interest thereon.

Sale, etc.,
of municipal
debentures
purchased by
Corporation.

11. The Corporation shall have power, with the approval of the Treasurer of Ontario and subject to the regulations, to sell, hypothecate or otherwise dispose of any debentures purchased by the Corporation under the authority of this Act.

Audit.

12. The books and accounts of the Corporation shall be audited annually by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council may designate and such auditor shall make an annual report of the audit to the Treasurer of Ontario.

Regulations.

13. The Lieutenant-Governor in Council may make regulations governing,

- (a) the management, control and administration of the affairs of the Corporation;
- (b) the issue and sale of debentures, bills or notes and the making of temporary loans by the Corporation;
- (c) the payment, retirement, refunding or renewal of debentures, bills or notes issued and loans made by the Corporation;
- (d) the redemption before maturity of any debentures issued by the Corporation;
- (e) the registration of debentures issued by the Corporation and the keeping of debenture registers in connection therewith;

- (f) the guarantee of payment by the Province of any debentures, bills or notes issued and loans made by the Corporation, and the form and manner of execution of any guaranty of payment;
- (g) the arrangements which the Corporation may make for purchase of debentures of municipalities and the purchase of such debentures;
- (h) the mode in which municipalities may apply to the Corporation for its purchase of their debentures and the forms, records and proofs to be furnished with such applications;
- (i) the conditions to be imposed in regard to the purchase by the Corporation of debentures of municipalities;
- (j) the consideration and granting by the Corporation of applications for its purchase of debentures of municipalities;
- (k) the sale, hypothecation or other disposition by the Corporation of any debentures of municipalities purchased by the Corporation;
- (l) any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

14. The Treasurer of Ontario shall administer this Act and the regulations made under this Act. Administration of Act.

15. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

16. This Act may be cited as *The Ontario Municipal Improvement Corporation Act, 1950.* Short title.

BILL

An Act to incorporate The Ontario
Municipal Improvement Corporation.

1st Reading

February 16th, 1950

2nd Reading

3rd Reading

MR. DUNBAR

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to incorporate The Ontario Municipal Improvement Corporation.

MR. DUNBAR

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTE

This is a new Act establishing a Crown Corporation for the purpose of purchasing debentures issued by municipalities for the works mentioned in subsection 1 of section 1 of the Bill.

BILL

An Act to incorporate The Ontario Municipal Improvement Corporation.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) There is hereby constituted on behalf of His Majesty in right of Ontario a body corporate and politic, without share capital, under the name of The Ontario Municipal Improvement Corporation, having as its object the purchase from municipalities in Ontario of debentures issued by them for any of the following municipal works and undertakings:

- (a) waterworks and water supply distribution systems;
- (b) sewage works, treatment works, sewer system or sewer, as defined in section 405a of *The Municipal Act*; Rev. Stat., c. 266.
- (c) plants and works for the incineration of garbage, refuse and wastes; and
- (d) drainage works under *The Municipal Drainage Act*. Rev. Stat., c. 278.

(2) The Ontario Municipal Improvement Corporation, hereinafter called the Corporation, shall be composed of three members who shall hold office as members during the pleasure of the Lieutenant-Governor in Council and who shall be such officers in the public service of Ontario as the Lieutenant-Governor in Council may from time to time appoint. Membership.

(3) The three members for the time being of the Corporation shall form and be its board of directors and the Lieutenant-Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board. Board of Directors.

(4) Subject to the regulations, the affairs of the Corporation shall be under the management and control of the board of directors and in the absence of the chairman, or if at any Management.

time that office be vacant, the vice-chairman shall have all the powers and perform the duties of the chairman.

Administra-
tion.

(5) In the administration of the affairs of the Corporation, the board of directors shall be assisted by such officers and other employees in the public service of Ontario as the Treasurer of Ontario may assign for the purpose.

Borrowing
powers;

2.—(1) To carry out the object for which it is constituted the Corporation shall have power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan, any sum or sums of money not exceeding in the aggregate \$50,000,000 outstanding at any one time, and such loans may be made in any of the following ways or partly in one and partly in any of the other or others thereof:

debentures;

(a) by the issue and sale of debentures of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide;

bills and
notes;

(b) by the issue and sale of treasury bills or notes of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide; and

temporary
loans.

(c) by temporary loans as the Lieutenant-Governor in Council deems expedient and as the regulations may provide.

Refunding
of loans,
etc.

(2) Subject to the aggregate sum of \$50,000,000 outstanding at any one time mentioned in subsection 1 not being exceeded, the Corporation shall have power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan and by any of the ways set forth in subsection 1, any sum or sums of money for any one or more of the following purposes:

(a) payment, retirement, refunding or renewal of the whole or any part of any debentures, bills or notes issued by the Corporation under clause *a* or *b* of subsection 1; and

(b) payment, retirement, refund or renewal of the whole or any part of any temporary loan made by the Corporation under clause *c* of subsection 1.

3. Every debenture issued by the Corporation shall be expressed to be redeemable, at the option of the Corporation, on any date prior to maturity according to the mode, terms, periods, times and places of redemption approved by the Lieutenant-Governor in Council and as the regulations may provide.

Debentures to be redeemable before maturity.

4. Every debenture, bill or note issued by the Corporation shall contain a statement in the body thereof that it is issued under the authority of this Act and no debenture, bill or note purporting to be issued by the Corporation shall be valid unless such statement is so contained.

Debentures to state source of authorization.

5. Every advertisement for the sale by the Corporation of any of its debentures, bills or notes shall contain a statement that the issue and sale of the debentures, bills or notes are made under the authority of this Act.

Advertisements of sale to state source of authorization.

6. Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the board of directors may provide for its replacement on such terms as to evidence and as to indemnity as the board may require.

Lost debentures.

7.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act.

Guarantee of payment by Province.

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant-Governor in Council.

Form of guaranty.

(3) Every guaranty given or purporting to be given under the authority of this section shall be binding upon the Province and shall not be open to question upon any ground whatsoever.

Validity of guaranty.

(4) Any debenture, bill or note issued by or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, shall be valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed shall not be open to question on any ground whatsoever.

Guaranteed debentures, etc., to be indefeasible.

8. Notwithstanding anything in any other Act, debentures issued by the Corporation shall be at all times a lawful investment for municipal, school and trust funds.

Trustees, etc., investments in debentures.

9.—(1) The Corporation, with the approval of the Lieutenant-Governor in Council and subject to the regulations, may from time to time purchase from any municipality in

Purchase of municipal debentures.

Ontario debentures issued by the municipality for any of the purposes specified in subsection 1 of section 1.

Approval
and valida-
tion
required.

(2) The Corporation shall not purchase any municipal debentures under the authority of this Act until,

Rev. Stat.,
c. 60.

(a) the Ontario Municipal Board has issued its order pursuant to section 70 of *The Ontario Municipal Board Act* authorizing the municipality to proceed with the work or undertaking with respect to which the debentures are required; and

(b) the municipality has had the debentures validated by the Ontario Municipal Board under sections 64 to 66 of *The Ontario Municipal Board Act*.

Municipal
debentures
to rank
pari passu.
Rev. Stat.,
c. 286.

10. Notwithstanding *The Public Utilities Act*, every debenture of a municipality purchased by the Corporation under the authority of this Act shall with respect to payment of principal and interest thereon rank *pari passu* with all other debentures of that municipality and the payment of principal and interest thereon.

Sale, etc.,
of municipal
debentures
purchased by
Corporation.

11. The Corporation shall have power, with the approval of the Treasurer of Ontario and subject to the regulations, to sell, hypothecate or otherwise dispose of any debentures purchased by the Corporation under the authority of this Act.

Audit.

12. The books and accounts of the Corporation shall be audited annually by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council may designate and such auditor shall make an annual report of the audit to the Treasurer of Ontario, and the Treasurer shall table the report in the Assembly if it is in session, or if it is not, then at the next ensuing session.

Regulations.

13. The Lieutenant-Governor in Council may make regulations governing,

(a) the management, control and administration of the affairs of the Corporation;

(b) the issue and sale of debentures, bills or notes and the making of temporary loans by the Corporation;

(c) the payment, retirement, refunding or renewal of debentures, bills or notes issued and loans made by the Corporation;

(d) the redemption before maturity of any debentures issued by the Corporation;

(e) the registration of debentures issued by the Corporation and the keeping of debenture registers in connection therewith;

- (f) the guarantee of payment by the Province of any debentures, bills or notes issued and loans made by the Corporation, and the form and manner of execution of any guaranty of payment;
- (g) the arrangements which the Corporation may make for purchase of debentures of municipalities and the purchase of such debentures;
- (h) the mode in which municipalities may apply to the Corporation for its purchase of their debentures and the forms, records and proofs to be furnished with such applications;
- (i) the conditions to be imposed in regard to the purchase by the Corporation of debentures of municipalities;
- (j) the consideration and granting by the Corporation of applications for its purchase of debentures of municipalities;
- (k) the sale, hypothecation or other disposition by the Corporation of any debentures of municipalities purchased by the Corporation;
- (l) any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

14. The Treasurer of Ontario shall administer this Act and the regulations made under this Act. Administration of Act.

15. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

16. This Act may be cited as *The Ontario Municipal Improvement Corporation Act, 1950.* Short title.

An Act to incorporate The Ontario
Municipal Improvement Corporation.

1st Reading

February 16th, 1950

2nd Reading

February 20th, 1950

3rd Reading

MR. DUNBAR

*(Reprinted as amended in Committee of the
Whole House.)*

No. 35

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to incorporate The Ontario Municipal Improvement Corporation.

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1111

BILL

An Act to incorporate The Ontario Municipal Improvement Corporation.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) There is hereby constituted on behalf of His Majesty in right of Ontario a body corporate and politic, without share capital, under the name of The Ontario Municipal Improvement Corporation, having as its object the purchase from municipalities in Ontario of debentures issued by them for any of the following municipal works and undertakings:

- (a) waterworks and water supply distribution systems;
- (b) sewage works, treatment works, sewer system or sewer, as defined in section 405a of *The Municipal Act*; Rev. Stat., c. 266.
- (c) plants and works for the incineration of garbage, refuse and wastes; and
- (d) drainage works under *The Municipal Drainage Act*. Rev. Stat., c. 278.

(2) The Ontario Municipal Improvement Corporation, hereinafter called the Corporation, shall be composed of three members who shall hold office as members during the pleasure of the Lieutenant-Governor in Council and who shall be such officers in the public service of Ontario as the Lieutenant-Governor in Council may from time to time appoint. Membership.

(3) The three members for the time being of the Corporation shall form and be its board of directors and the Lieutenant-Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board. Board of Directors.

(4) Subject to the regulations, the affairs of the Corporation shall be under the management and control of the board of directors and in the absence of the chairman, or if at any Management.

time that office be vacant, the vice-chairman shall have all the powers and perform the duties of the chairman.

Administra-
tion.

(5) In the administration of the affairs of the Corporation, the board of directors shall be assisted by such officers and other employees in the public service of Ontario as the Treasurer of Ontario may assign for the purpose.

Borrowing
powers;

2.—(1) To carry out the object for which it is constituted the Corporation shall have power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan, any sum or sums of money not exceeding in the aggregate \$50,000,000 outstanding at any one time, and such loans may be made in any of the following ways or partly in one and partly in any of the other or others thereof:

debentures;

(a) by the issue and sale of debentures of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide;

bills and
notes;

(b) by the issue and sale of treasury bills or notes of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide; and

temporary
loans.

(c) by temporary loans as the Lieutenant-Governor in Council deems expedient and as the regulations may provide.

Refunding
of loans,
etc.

(2) Subject to the aggregate sum of \$50,000,000 outstanding at any one time mentioned in subsection 1 not being exceeded, the Corporation shall have power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan and by any of the ways set forth in subsection 1, any sum or sums of money for any one or more of the following purposes:

(a) payment, retirement, refunding or renewal of the whole or any part of any debentures, bills or notes issued by the Corporation under clause *a* or *b* of subsection 1; and

(b) payment, retirement, refund or renewal of the whole or any part of any temporary loan made by the Corporation under clause *c* of subsection 1.

3. Every debenture issued by the Corporation shall be expressed to be redeemable, at the option of the Corporation, on any date prior to maturity according to the mode, terms, periods, times and places of redemption approved by the Lieutenant-Governor in Council and as the regulations may provide.

Debentures
to be
redeemable
before
maturity.

4. Every debenture, bill or note issued by the Corporation shall contain a statement in the body thereof that it is issued under the authority of this Act and no debenture, bill or note purporting to be issued by the Corporation shall be valid unless such statement is so contained.

Debentures
to state
source of
authoriza-
tion.

5. Every advertisement for the sale by the Corporation of any of its debentures, bills or notes shall contain a statement that the issue and sale of the debentures, bills or notes are made under the authority of this Act.

Advertise-
ments of
sale to
state source
of authoriza-
tion.

6. Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the board of directors may provide for its replacement on such terms as to evidence and as to indemnity as the board may require.

Lost
debentures.

7.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act.

Guarantee
of payment
by Province.

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant-Governor in Council.

Form of
guaranty.

(3) Every guaranty given or purporting to be given under the authority of this section shall be binding upon the Province and shall not be open to question upon any ground whatsoever.

Validity of
guaranty.

(4) Any debenture, bill or note issued by or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, shall be valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed shall not be open to question on any ground whatsoever.

Guaranteed
debentures,
etc., to be
indefeasible.

8. Notwithstanding anything in any other Act, debentures issued by the Corporation shall be at all times a lawful investment for municipal, school and trust funds.

Trustees,
etc., invest-
ments in
debentures.

9.—(1) The Corporation, with the approval of the Lieutenant-Governor in Council and subject to the regulations, may from time to time purchase from any municipality in

Purchase of
municipal
debentures.

Ontario debentures issued by the municipality for any of the purposes specified in subsection 1 of section 1.

Approval
and valida-
tion
required.

(2) The Corporation shall not purchase any municipal debentures under the authority of this Act until,

Rev. Stat.,
c. 60.

(a) the Ontario Municipal Board has issued its order pursuant to section 70 of *The Ontario Municipal Board Act* authorizing the municipality to proceed with the work or undertaking with respect to which the debentures are required; and

(b) the municipality has had the debentures validated by the Ontario Municipal Board under sections 64 to 66 of *The Ontario Municipal Board Act*.

Municipal
debentures
to rank
pari passu.
Rev. Stat.,
c. 286.

10. Notwithstanding *The Public Utilities Act*, every debenture of a municipality purchased by the Corporation under the authority of this Act shall with respect to payment of principal and interest thereon rank *pari passu* with all other debentures of that municipality and the payment of principal and interest thereon.

Sale, etc.,
of municipal
debentures
purchased by
Corporation.

11. The Corporation shall have power, with the approval of the Treasurer of Ontario and subject to the regulations, to sell, hypothecate or otherwise dispose of any debentures purchased by the Corporation under the authority of this Act.

Audit.

12. The books and accounts of the Corporation shall be audited annually by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council may designate and such auditor shall make an annual report of the audit to the Treasurer of Ontario, and the Treasurer shall table the report in the Assembly if it is in session, or if it is not, then at the next ensuing session.

Regulations.

13. The Lieutenant-Governor in Council may make regulations governing,

- (a) the management, control and administration of the affairs of the Corporation;
- (b) the issue and sale of debentures, bills or notes and the making of temporary loans by the Corporation;
- (c) the payment, retirement, refunding or renewal of debentures, bills or notes issued and loans made by the Corporation;
- (d) the redemption before maturity of any debentures issued by the Corporation;
- (e) the registration of debentures issued by the Corporation and the keeping of debenture registers in connection therewith;

- (f) the guarantee of payment by the Province of any debentures, bills or notes issued and loans made by the Corporation, and the form and manner of execution of any guaranty of payment;
- (g) the arrangements which the Corporation may make for purchase of debentures of municipalities and the purchase of such debentures;
- (h) the mode in which municipalities may apply to the Corporation for its purchase of their debentures and the forms, records and proofs to be furnished with such applications;
- (i) the conditions to be imposed in regard to the purchase by the Corporation of debentures of municipalities;
- (j) the consideration and granting by the Corporation of applications for its purchase of debentures of municipalities;
- (k) the sale, hypothecation or other disposition by the Corporation of any debentures of municipalities purchased by the Corporation;
- (l) any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

14. The Treasurer of Ontario shall administer this Act and the regulations made under this Act. Administration of Act.

15. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

16. This Act may be cited as *The Ontario Municipal Improvement Corporation Act, 1950*. Short title.

An Act to incorporate The Ontario
Municipal Improvement Corporation.

1st Reading

February 16th, 1950

2nd Reading

February 20th, 1950

3rd Reading

March 1st, 1950

MR. DUNBAR

No. 36

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting Appeals to His Majesty in His Privy Council

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This Bill is complementary to the Act passed at the last session of Parliament which abolished appeals to the Privy Council, but which preserved the right of appeal in litigation already in process.

No. 36

1950

BILL

An Act respecting Appeals to His Majesty in
His Privy Council.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. *The Privy Council Appeals Act* is repealed. Rev. Stat.,
c. 98, re-
pealed.
2. Section 8 of *The Constitutional Questions Act* is repealed. Rev. Stat.,
c. 130, s. 8,
repealed.
3. Subsection 3 of section 19 of *The Judicature Act* is repealed. Rev. Stat.,
c. 100, s. 19,
subs. 3,
repealed.
4. Subsections 6 and 7 of section 103 of *The Ontario Municipal Board Act* are repealed. Rev. Stat.,
c. 60, s. 103,
subss. 6, 7,
repealed.
5. Any appeal to His Majesty in His Privy Council that is permitted under the law of Canada may be taken as if this Act had not been passed and for the purposes of any such appeal the provisions repealed by this Act shall remain in force. Saving.
6. This Act may be cited as *The Privy Council Appeals Act, 1950*. Short title.

An Act respecting Appeals to His
Majesty in His Privy Council.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 36

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting Appeals to His Majesty in His Privy Council.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

AN ACT TO AMEND THE ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF NEW YORK, PASSED IN 1882, IN RELATION TO THE REGISTRATION OF DEEDS.

1882.

No. 36

1950

BILL

An Act respecting Appeals to His Majesty in
His Privy Council.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. *The Privy Council Appeals Act* is repealed. Rev. Stat.,
c. 98, re-
pealed.
2. Section 8 of *The Constitutional Questions Act* is repealed. Rev. Stat.,
c. 130, s. 8,
repealed.
3. Subsection 3 of section 19 of *The Judicature Act* is repealed. Rev. Stat.,
c. 100, s. 19,
subs. 3,
repealed.
4. Subsections 6 and 7 of section 103 of *The Ontario Municipal Board Act* are repealed. Rev. Stat.,
c. 60, s. 103,
subss. 6, 7,
repealed.
5. Any appeal to His Majesty in His Privy Council that is permitted under the law of Canada may be taken as if this Act had not been passed and for the purposes of any such appeal the provisions repealed by this Act shall remain in force. Saving.
6. This Act may be cited as *The Privy Council Appeals Act*, 1950. Short title.

An Act respecting Appeals to His
Majesty in His Privy Council.

1st Reading

February 17th, 1950

2nd Reading

February 20th, 1950

3rd Reading

February 24th, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Commorientes Act, 1940.

MR. PORTER

EXPLANATORY NOTE

This Act, which was modelled on the corresponding English provisions, was recommended for enactment by the Conference of Commissioners on Uniformity of Legislation in Canada in 1939. It is now in force in eight provinces including Ontario, which passed it in 1940.

The amendments contained in this Bill are recommended by the Uniformity Conference.

There is no change in principle. The amendments in subsections 1 and 3 of section 1 of the Act are intended to clarify the intent and appear to be advisable from the reasoning of the House of Lords in the case of *Hickman v. Peacy* (1945) A.C. 304, a case that arose from the German "blitz" on London.

The long title is amended as a "common disaster" is not essential to the operation of the Act. The short title is changed in order to simplify reference.

No. 37

1950

BILL

An Act to amend The Commorientes Act, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The long title to *The Commorientes Act, 1940* is amended ^{1940, c. 4,} by striking out the words "in Common Disasters", so that the ^{long title,} long title shall read as follows: ^{amended.}

AN ACT RESPECTING SURVIVORSHIP.

2.—(1) Subsection 1 of section 1 of *The Commorientes Act, 1940* is amended by inserting after the word "die" in ^{1940,} the first line the words "at the same time or", so that the ^{c. 4, s. 1,} subsection shall read as follows: ^{subs. 1,} ^{amended.}

(1) Where two or more persons die at the same time or ^{Order of} in circumstances rendering it uncertain which of ^{death} them survived the other or others, such deaths shall, ^{presumed.} subject to subsections 2 and 3, for all purposes affecting the title to property, be presumed to have occurred in the order of seniority, and accordingly the younger shall be deemed to have survived the older.

(2) Subsection 3 of the said section 1 is amended by inserting ^{1940,} after the word "die" in the third line the words "at the same ^{c. 4, s. 1,} time or", and by striking out the word "further" in the ^{subs. 3,} fourth line, so that the subsection shall read as follows: ^{amended.}

(3) Where a testator and a person who, if he had survived ^{Exception} the testator, would have been a beneficiary of ^{to pre-} property under the will, die at the same time or in ^{sumption,} circumstances rendering it uncertain which of them ^{wills.} survived the other, and the will contains provisions for the disposition of the property in case that person had not survived the testator or died at the same time as the testator or in circumstances rendering

it uncertain which survived the other, then for the purpose of that disposition the will shall take effect as if that person had not survived the testator or died at the same time as the testator or in circumstances rendering it uncertain which survived the other as the case may be.

1940,
c. 4, s. 2,
re-enacted.

3. Section 2 of *The Commorientes Act, 1940* is repealed and the following substituted therefor:

Short title.

2. This Act may be cited as *The Survivorship Act, 1940*.

Short title.

4. This Act may be cited as *The Survivorship Amendment Act, 1950*.

An Act to amend The Commorientes
Act, 1940.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 37

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Commorientes Act, 1940.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1888

No. 37

1950

BILL

An Act to amend The Commorientes Act, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The long title to *The Commorientes Act, 1940* is amended ^{1940, c. 4,} by striking out the words "in Common Disasters", so that the ^{long title,} amended. long title shall read as follows:

AN ACT RESPECTING SURVIVORSHIP.

2.—(1) Subsection 1 of section 1 of *The Commorientes Act, 1940* is amended by inserting after the word "die" in ^{1940,} the first line the words "at the same time or", so that the ^{c. 4, s. 1,} amended. subsection shall read as follows:

(1) Where two or more persons die at the same time or ^{Order of} in circumstances rendering it uncertain which of ^{death} them survived the other or others, such deaths shall, ^{presumed.} subject to subsections 2 and 3, for all purposes affecting the title to property, be presumed to have occurred in the order of seniority, and accordingly the younger shall be deemed to have survived the older.

(2) Subsection 3 of the said section 1 is amended by inserting ^{1940,} after the word "die" in the third line the words "at the same ^{c. 4, s. 1,} time or", and by striking out the word "further" in the ^{subs. 3,} amended. fourth line, so that the subsection shall read as follows:

(3) Where a testator and a person who, if he had survived ^{Exception} the testator, would have been a beneficiary of ^{to pre-} property under the will, die at the same time or in ^{sumption,} circumstances rendering it uncertain which of them ^{wills.} survived the other, and the will contains provisions for the disposition of the property in case that person had not survived the testator or died at the same time as the testator or in circumstances rendering

it uncertain which survived the other, then for the purpose of that disposition the will shall take effect as if that person had not survived the testator or died at the same time as the testator or in circumstances rendering it uncertain which survived the other as the case may be.

1940,
c. 4, s. 2,
re-enacted.

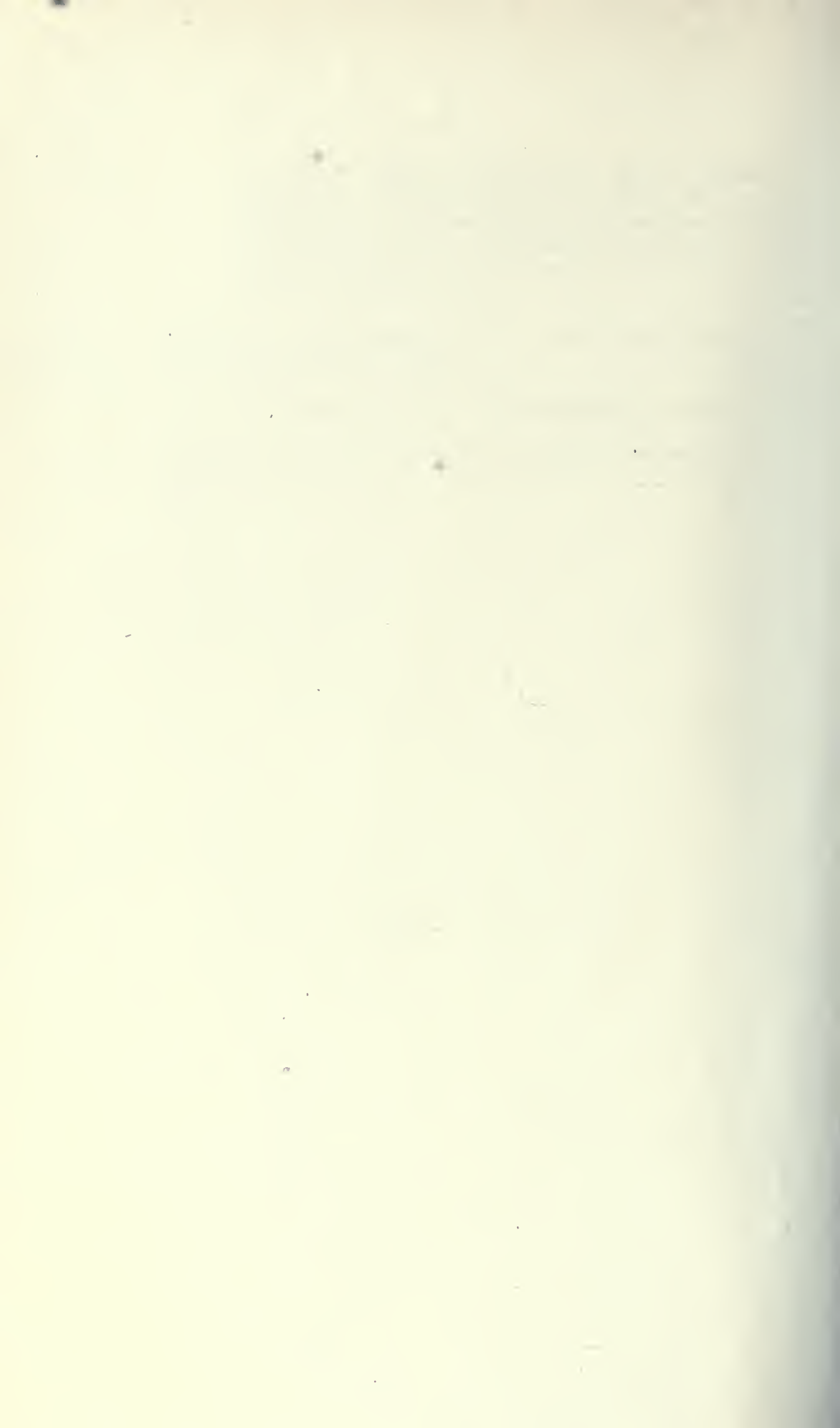
3. Section 2 of *The Commorientes Act, 1940* is repealed and the following substituted therefor:

Short title.

2. This Act may be cited as *The Survivorship Act, 1940*.

Short title.

4. This Act may be cited as *The Survivorship Amendment Act, 1950*.



An Act to amend The Commorientes
Act, 1940.

1st Reading

February 17th, 1950

2nd Reading

February 20th, 1950

3rd Reading

February 24th, 1950

MR. PORTER

No. 38

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Crown Attorneys Act, 1949.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Clause *c* in its present form authorizes the Lieutenant-Governor in Council to make regulations fixing the responsibility for the payment of fees of Crown Attorneys in the cases mentioned.

"Travelling allowances" are now added.

Where a municipality is entitled to all or any part of the fine resulting from a prosecution conducted by a Crown attorney, his authorized fees must be paid by the municipality.

Where a government department or agency institutes a prosecution, it must pay the authorized fees and expenses of the Crown attorney, if his fees are not commuted.

See Ontario Regulation 118/49.

No. 38

1950

BILL

An Act to amend The Crown Attorneys Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 15 of *The Crown Attorneys Act, 1949* ^{1949, c. 21, s. 15, cl. c, re-enacted.} is repealed and the following substituted therefor:

- (c) fixing the responsibility for the payment of fees and travelling allowances of Crown attorneys where a municipality or a governmental department or agency would be entitled to any fine imposed or any portion thereof.

2. This Act may be cited as *The Crown Attorneys Amendment Act, 1950*. Short title.

An Act to amend The Crown
Attorneys Act, 1949.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 38

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Crown Attorneys Act, 1949.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 38

1950

BILL

An Act to amend The Crown Attorneys Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 15 of *The Crown Attorneys Act, 1949* is repealed and the following substituted therefor:

1949,
c. 21, s. 15,
cl. *c*, re-
enacted.

(*c*) fixing the responsibility for the payment of fees and travelling allowances of Crown attorneys where a municipality or a governmental department or agency would be entitled to any fine imposed or any portion thereof.

2. This Act may be cited as *The Crown Attorneys Amendment Act, 1950*. Short title.

An Act to amend The Crown
Attorneys Act, 1949.

1st Reading

February 17th, 1950

2nd Reading

February 20th, 1950

3rd Reading

February 24th, 1950

MR. PORTER

No. 39

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Loan and Trust Corporations Act, 1949.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The amendment is to make it clear that an investment company registered under *The Investment Contracts Act, 1948* need not be registered as a loan corporation under *The Loan and Trust Corporations Act, 1949*.

No. 39

1950

BILL

An Act to amend The Loan and Trust Corporations Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Loan and Trust Corporations Act, 1949* is amended by striking out the word "or" in the sixth line and by adding at the end thereof the words and figures "or an investment company registered under *The Investment Contracts Act, 1948*", so that the clause shall read as follows: ^{1949, c. 52, s. 1, cl. h, amended.}

(*h*) "loan corporation" means every incorporated company, association or society, constituted, authorized or operated for the purpose of lending money on the security of real estate, or for that and any other purpose, but does not include a chartered bank, an insurance corporation, a loaning land corporation, a trust company, or an investment company registered under *The Investment Contracts Act, 1948*. ^{"loan corporation". 1948, c. 49.}

2. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1950*. ^{Short title.}

An Act to amend The Loan and Trust
Corporations Act, 1949.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 39

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Loan and Trust Corporations Act, 1949.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

THE UNIVERSITY OF CHICAGO
LIBRARY

1917

THE UNIVERSITY OF CHICAGO
LIBRARY

No. 39

1950

BILL

An Act to amend The Loan and Trust Corporations Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Loan and Trust Corporations Act, 1949* is amended by striking out the word "or" in the sixth line and by adding at the end thereof the words and figures "or an investment company registered under *The Investment Contracts Act, 1948*", so that the clause shall read as follows:

(*h*) "loan corporation" means every incorporated company, association or society, constituted, authorized or operated for the purpose of lending money on the security of real estate, or for that and any other purpose, but does not include a chartered bank, an insurance corporation, a loaning land corporation, a trust company, or an investment company registered under *The Investment Contracts Act, 1948*.

1949, c. 52,
s. 1, cl. *h*,
amended.

"loan corporation".

1948, c. 49.

2. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1950*.

Short title.

An Act to amend The Loan and Trust
Corporations Act, 1949.

1st Reading

February 17th, 1950

2nd Reading

February 20th, 1950

3rd Reading

February 24th, 1950

MR. PORTER

No. 40

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Partnership Registration Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The amendments clarify the form of the declaration of partnership and the provisions dealing with business styles that indicate a plurality of members. No change in principle.

No. 40

1950

BILL

An Act to amend The Partnership Registration Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Partnership Registration Act* is repealed and the following substituted therefor: Rev. Stat., c. 189, s. 8, subs. 1, re-enacted.

- (1) Every person engaged in business for trading, manufacturing or mining purposes who is not associated in partnership with any other person but uses as his business style,— Where business name indicates plurality.

(a) some name or designation other than his own name; or

(b) his own name with the addition of the expression "and company" or some other expression indicating a plurality of members in the firm,

shall sign a declaration and file it with the registrar of the registry division in which he carries on or intends to carry on business.

2. Paragraph 1 of Form 1 to *The Partnership Registration Act* is repealed and the following substituted therefor: Rev. Stat., c. 189, Form 1, re-enacted.

1. That we have carried on and intend to carry on (or we intend to carry on) trade and business as.....at.....in partnership, under the name of.....

3. This Act may be cited as *The Partnership Registration Amendment Act, 1950*. Short title.

An Act to amend The Partnership
Registration Act.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Partnership Registration Act.

MR. PORTER

THE UNIVERSITY OF CHICAGO
LIBRARY

1313

THE UNIVERSITY OF CHICAGO LIBRARY

1313

THE UNIVERSITY OF CHICAGO LIBRARY
1313

No. 40

1950

BILL

An Act to amend The Partnership Registration Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Partnership Registration Act* is repealed and the following substituted therefor: Rev. Stat., c. 189, s. 8, subs. 1, re-enacted.

(1) Every person engaged in business for trading, manufacturing or mining purposes who is not associated in partnership with any other person but uses as his business style,— Where business name indicates plurality.

(a) some name or designation other than his own name; or

(b) his own name with the addition of the expression "and company" or some other expression indicating a plurality of members in the firm,

shall sign a declaration and file it with the registrar of the registry division in which he carries on or intends to carry on business.

2. Paragraph 1 of Form 1 to *The Partnership Registration Act* is repealed and the following substituted therefor: Rev. Stat., c. 189, Form 1, re-enacted.

1. That we have carried on and intend to carry on (or we intend to carry on) trade and business as.....at.....in partnership, under the name of.....

3. This Act may be cited as *The Partnership Registration Amendment Act, 1950*. Short title.

An Act to amend The Partnership
Registration Act.

1st Reading

February 17th, 1950

2nd Reading

February 20th, 1950

3rd Reading

February 24th, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Agricultural Associations Act.

MR. KENNEDY

EXPLANATORY NOTE

The Ontario Provincial Winter Fair was operated in the City of Guelph from about the years 1892 to 1938. The buildings were taken over by the Department of Militia and Defence in 1938 and are now used as an arena by the city of Guelph. It was the opinion of the directors of the Fair that the buildings were no longer adequate for a fair and that the corporate body should be dissolved. The Bill therefore dissolves the Ontario Provincial Winter Fair and transfers the assets to a trust to be administered for the benefit of agriculture in Ontario.

BILL

An Act to amend The Agricultural Associations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 19 of *The Agricultural Associations Act* is amended by striking out the words "the Ontario Provincial Winter Fair" in the first and second lines, so that the subsection shall read as follows: Rev. Stat.,
c. 80, s. 19,
subs. 1,
amended.

(1) The Ontario Horticultural Exhibition, the Ottawa Winter Fair, the Peninsular Winter Fair and such other organizations as may hereafter be designated by the Lieutenant-Governor in Council, shall be corporate bodies under this Act with power to acquire and hold land as a site for fairs and exhibitions, to sell, mortgage, lease or otherwise dispose of the same or any other property held by such body, and the Lieutenant-Governor in Council may prescribe such constitution, rules and regulations as are deemed necessary. Certain
fairs and
exhibitions
incorporated

2. The corporate body known as the Ontario Provincial Winter Fair shall be dissolved on the day this Act comes into force and all assets of the Ontario Provincial Winter Fair shall be vested on such day in a board of trustees to be known as the Ontario Provincial Winter Fair Trust consisting of the Deputy Minister of Agriculture, the Live Stock Commissioner, the President of the Ontario Horse Breeders' Association, the President of the Ontario Cattle Breeders' Association, the President of the Ontario Sheep Breeders' Association, the President of the Ontario Swine Breeders' Association, and the President of the Ontario Crop Improvement Association, and shall be expended in such manner as the board of trustees in its absolute discretion deems beneficial to agriculture in Ontario. Fair dis-
solved and
assets
transferred.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Agricultural Associations Amendment Act, 1950*.



An Act to amend The Agricultural
Associations Act.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. KENNEDY

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Agricultural Associations Act.

MR. KENNEDY

4516

BILL

An Act to amend The Agricultural Associations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 19 of *The Agricultural Associations Act* is amended by striking out the words "the Ontario Provincial Winter Fair" in the first and second lines, so that the subsection shall read as follows: Rev. Stat., c. 80, s. 19, subs. 1, amended.

(1) The Ontario Horticultural Exhibition, the Ottawa Winter Fair, the Peninsular Winter Fair and such other organizations as may hereafter be designated by the Lieutenant-Governor in Council, shall be corporate bodies under this Act with power to acquire and hold land as a site for fairs and exhibitions, to sell, mortgage, lease or otherwise dispose of the same or any other property held by such body, and the Lieutenant-Governor in Council may prescribe such constitution, rules and regulations as are deemed necessary. Certain fairs and exhibitions incorporated.

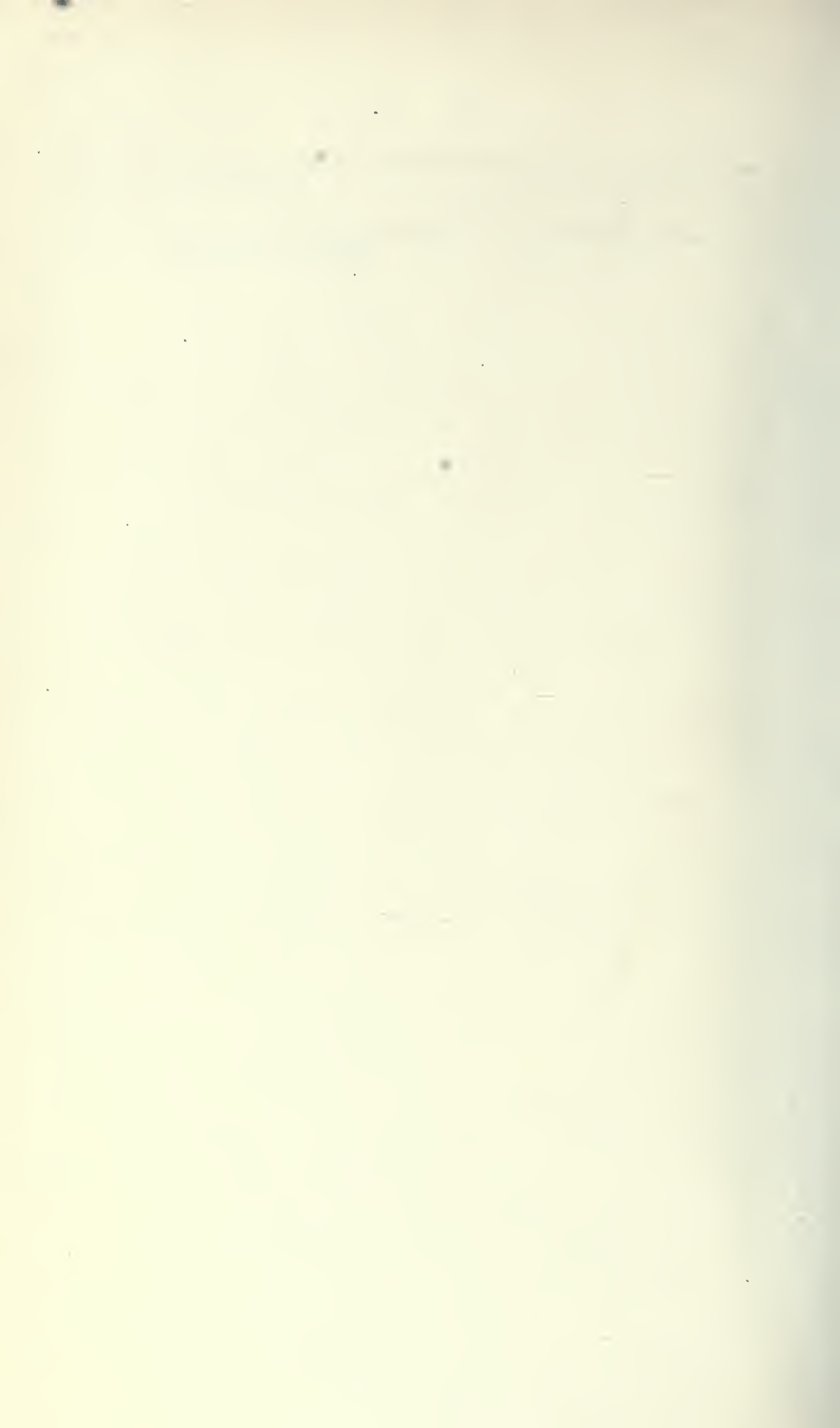
2. The corporate body known as the Ontario Provincial Winter Fair shall be dissolved on the day this Act comes into force and all assets of the Ontario Provincial Winter Fair shall be vested on such day in a board of trustees to be known as the Ontario Provincial Winter Fair Trust consisting of the Deputy Minister of Agriculture, the Live Stock Commissioner, the President of the Ontario Horse Breeders' Association, the President of the Ontario Cattle Breeders' Association, the President of the Ontario Sheep Breeders' Association, the President of the Ontario Swine Breeders' Association, and the President of the Ontario Crop Improvement Association, and shall be expended in such manner as the board of trustees in its absolute discretion deems beneficial to agriculture in Ontario. Fair dissolved and assets transferred.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Agricultural Associations Amendment Act, 1950*.



An Act to amend The Agricultural
Associations Act.

1st Reading

February 17th, 1950

2nd Reading

February 20th, 1950

3rd Reading

March 3rd, 1950

MR. KENNEDY

No. 42

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Farm Products Grades and Sales Act.

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The amendment is complementary to *The Live Stock and Live Stock Products Act, 1950*, which will deal with the subject matter deleted.

SECTION 2. The amendments provide that the Minister may make regulations,

- (a) regarding the identification of producers' lots by transporters;
- (b) prescribing fees to be charged for grading farm products;
- (c) prescribing powers and duties of graders;
- (d) regarding sanitation of premises where farm products are stored, etc.

BILL

An Act to amend The Farm Products Grades and Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Farm Products Grades and Sales Act* is amended by striking out the words "animals, meats, eggs, poultry, wool" in the first and second lines, so that the clause shall read as follows: Rev. Stat.,
c. 307, s. 1,
cl. *d*,
amended.

(*d*) "Farm product" shall include dairy products, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco and such other natural products of agriculture as the Lieutenant-Governor in Council may designate and such articles of food or drink manufactured or derived in whole or in part from any such product as the Lieutenant-Governor in Council may designate. "Farm
product".

2.—(1) Clause *bb* of subsection 1 of section 2 of *The Farm Products Grades and Sales Act*, as enacted by subsection 1 of section 1 of *The Farm Products Grades and Sales Amendment Act, 1949*, is amended by inserting after the word "sellers" in the first line the word "transporters", so that the clause shall read as follows: Rev. Stat.,
c. 307, s. 2,
subs. 1, cl. *bb*
(1949, c. 31,
s. 1, subs. 1),
amended.

(*bb*) prescribing the manner in which sellers, transporters and shippers of farm products shall identify, for purposes of grading, individual producer's lots in any shipment.

(2) Clause *c* of subsection 1 of the said section 2 is amended by inserting after the word "inspection" in the first line the words "and grading", so that the clause shall read as follows: Rev. Stat.,
c. 307, s. 2,
subs. 1, cl. *c*,
amended.

(*c*) prescribing the fees payable upon the inspection and grading of any farm product.

Rev. Stat.,
c. 307, s. 2,
subs. 1, cl. e, amended. (3) Clause *e* of subsection 1 of the said section 2 is amended by adding at the end thereof the words "and graders", so that the clause shall read as follows:

(e) prescribing the powers and duties of inspectors and graders.

Rev. Stat.,
c. 307, s. 3,
subs. 1, amended. (4) Subsection 1 of the said section 2 is further amended by adding thereto the following clause:

(ff) respecting the cleanliness and sanitation of all premises in which a farm product is stored, processed, graded or packed.

Rev. Stat.,
c. 307, s. 3,
subs. 1, amended. 3.—(1) Subsection 1 of section 3 of *The Farm Products Grades and Sales Act* is amended by inserting after the word "inspectors" in the first line the words "and graders", so that the subsection shall read as follows:

Inspectors
and
graders, —
appoint-
ment of. (1) The Minister may appoint inspectors and graders whose duties shall be to carry out the provisions of this Act.

Rev. Stat.,
c. 307, s. 3,
amended. (2) The said section 3, as amended by section 2 of *The Farm Products Grades and Sales Amendment Act, 1939* and section 1 of *The Farm Products Grades and Sales Amendment Act, 1948*, is further amended by adding thereto the following subsection:

Experi-
mental use
of packages. (4) The Minister may authorize the experimental use of any package, but such package shall be identified and used only in the manner authorized by the Minister.

Rev. Stat.,
c. 307, s. 4,
subs. 1, cl. a, amended. 4. Clause *a* of subsection 1 of section 4 of *The Farm Products Grades and Sales Act* is amended by inserting after the word "storage" in the second line the word "processing", so that the clause shall read as follows:

(a) enter any premises, vessel, boat, car, truck or other conveyance used for the storage, processing or carriage of any farm product and inspect any farm product found therein.

Rev. Stat.,
c. 307, s. 7,
re-enacted. 5. Section 7 of *The Farm Products Grades and Sales Act*, as amended by section 4 of *The Farm Products Grades and Sales Amendment Act, 1939*, is repealed and the following substituted therefor:

Penalties. 7.—(1) Except as provided in subsection 2, every person who contravenes any of the provisions of this Act

SECTION 3. The amendments give the Minister authority to appoint graders and to authorize the experimental use of packages.

SECTION 4. The amendment provides that inspectors may enter premises used for processing of farm products.

SECTION 5. Section 7 is re-enacted to increase the maximum penalty for a second or subsequent offence against this Act from \$100 to \$500 and also to provide a special penalty for any person obstructing an inspector in the performance of his duty.



or the regulations shall be guilty of an offence and on summary conviction shall be liable for a first offence to a penalty of not less than \$10 and not more than \$50 and to a penalty of not less than \$50 and not more than \$500 for a subsequent offence.

- (2) Every person who contravenes any of the provisions of subsection 3 of section 4 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$200 and not more than \$1,000 and in default of payment to imprisonment for a term of not more than two months. ^{Obstruction of inspector.}

6. This Act shall come into force on the day it receives the Royal Assent. ^{Commencement of Act.}

7. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1950*. ^{Short title.}

BILL

An Act to amend The Farm Products
Grades and Sales Act.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. KENNEDY

No. 42

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Farm Products Grades and Sales Act.

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Farm Products Grades and Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Farm Products Grades and Sales Act* is amended by striking out the words "animals, meats, eggs, poultry, wool" in the first and second lines, so that the clause shall read as follows: Rev. Stat.,
c. 307, s. 1,
cl. *d*,
amended.

(*d*) "Farm product" shall include dairy products, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco and such other natural products of agriculture as the Lieutenant-Governor in Council may designate and such articles of food or drink manufactured or derived in whole or in part from any such product as the Lieutenant-Governor in Council may designate. "Farm
product".

2.—(1) Clause *bb* of subsection 1 of section 2 of *The Farm Products Grades and Sales Act*, as enacted by subsection 1 of section 1 of *The Farm Products Grades and Sales Amendment Act, 1949*, is amended by inserting after the word "sellers" in the first line the word "transporters", so that the clause shall read as follows: Rev. Stat.,
c. 307, s. 2,
subs. 1, cl. *bb*
(1949, c. 31,
s. 1, subs. 1),
amended.

(*bb*) prescribing the manner in which sellers, transporters and shippers of farm products shall identify, for purposes of grading, individual producer's lots in any shipment.

(2) Clause *c* of subsection 1 of the said section 2 is amended by inserting after the word "inspection" in the first line the words "and grading", so that the clause shall read as follows: Rev. Stat.,
c. 307, s. 2,
subs. 1, cl. *c*,
amended.

(*c*) prescribing the fees payable upon the inspection and grading of any farm product.

Rev. Stat.,
c. 307, s. 2,
subs. 1, cl. *e*,
amended. (3) Clause *e* of subsection 1 of the said section 2 is amended by adding at the end thereof the words "and graders", so that the clause shall read as follows:

(e) prescribing the powers and duties of inspectors and graders.

Rev. Stat.,
c. 307, s. 3,
subs. 1,
amended. (4) Subsection 1 of the said section 2 is further amended by adding thereto the following clause:

(*ff*) respecting the cleanliness and sanitation of all premises in which a farm product is stored, processed, graded or packed.

Rev. Stat.,
c. 307, s. 3,
subs. 1,
amended. **3.**—(1) Subsection 1 of section 3 of *The Farm Products Grades and Sales Act* is amended by inserting after the word "inspectors" in the first line the words "and graders", so that the subsection shall read as follows:

Inspectors
and
graders, —
appoint-
ment of. (1) The Minister may appoint inspectors and graders whose duties shall be to carry out the provisions of this Act.

Rev. Stat.,
c. 307, s. 3,
amended. (2) The said section 3, as amended by section 2 of *The Farm Products Grades and Sales Amendment Act, 1939* and section 1 of *The Farm Products Grades and Sales Amendment Act, 1948*, is further amended by adding thereto the following subsection:

Experi-
mental use
of packages. (4) The Minister may authorize the experimental use of any package, but such package shall be identified and used only in the manner authorized by the Minister.

Rev. Stat.,
c. 307, s. 4,
subs. 1, cl. *a*,
amended. **4.** Clause *a* of subsection 1 of section 4 of *The Farm Products Grades and Sales Act* is amended by inserting after the word "storage" in the second line the word "processing", so that the clause shall read as follows:

(*a*) enter any premises, vessel, boat, car, truck or other conveyance used for the storage, processing or carriage of any farm product and inspect any farm product found therein.

Rev. Stat.,
c. 307, s. 7,
re-enacted. **5.** Section 7 of *The Farm Products Grades and Sales Act*, as amended by section 4 of *The Farm Products Grades and Sales Amendment Act, 1939*, is repealed and the following substituted therefor:

Penalties. **7.**—(1) Except as provided in subsection 2, every person who contravenes any of the provisions of this Act

or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$50 for a first offence and to a penalty of not less than \$50 and not more than \$500 for any subsequent offence.

- (2) Every person who contravenes any of the provisions of subsection 3 of section 4 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$200 and not more than \$1,000 and in default of payment to imprisonment for a term of not more than two months. ^{Obstruction of inspector.}

6. This Act shall come into force on the day it receives the Royal Assent. ^{Commencement of Act.}

7. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1950.* ^{Short title.}



BILL

An Act to amend The Farm Products
Grades and Sales Act.

1st Reading

February 17th, 1950

2nd Reading

February 22nd, 1950

3rd Reading

March 3rd, 1950

MR. KENNEDY

No. 43

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting Live Stock and Live Stock Products.

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Live stock and live stock products were formerly dealt with under *The Farm Products Grades and Sales Act*. This Act replaces the provisions in that Act dealing with live stock and live stock products in order to simplify and expedite administration. Complementary amendments are being made to *The Farm Products Grades and Sales Act*. The basic principles are unchanged.

BILL

An Act respecting Live Stock and Live Stock Products.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Commissioner" means Live Stock Commissioner;
- (b) "commission merchant" means any person, partnership, corporation or co-operative association engaged in the business of buying or selling live stock or live stock products for a commission;
- (c) "grade" means the classification of any live stock or live stock product according to the prescribed standards;
- (d) "inspector" means an inspector appointed for the purposes of this Act;
- (e) "live stock" means cattle, swine, sheep and live poultry;
- (f) "live stock products" means meat, raw hides, dressed poultry, eggs and wool;
- (g) "Minister" means Minister of Agriculture;
- (h) "regulations" means regulations made under this Act;
- (i) "shipper" means any person who assembles, ships, transports or offers for sale any live stock or live stock product on his own account or as an agent for any person;
- (j) "stockyard" means any premises used as a market

for purchasing and selling live stock designated a stockyard by the regulations.

Advisory
committee.

2. The Lieutenant-Governor in Council may authorize one or more persons engaged in the production or marketing of live stock or live stock products to act as an advisory committee with the Minister or his representatives in connection with the production or marketing of any live stock or live stock products.

Inspectors,
appoint-
ment of.

3. The Lieutenant-Governor in Council may appoint one or more inspectors for the purposes of this Act and may fix their remuneration and allowance for expenses.

Inspectors,
power of.

4.—(1) Any inspector, for the purpose of enforcing this Act and the regulations, may,

- (a) enter any place, premises or vehicle containing or used for the storage or carriage of any live stock or live stock product;
- (b) stop any vehicle on a highway which he believes to contain any live stock or live stock product and inspect the vehicle and any live stock or live stock product found therein;
- (c) require the production of any books, records or other documents relating to any live stock or live stock product or the furnishing of copies of or extracts from such books, records or other documents;
- (d) take samples of any live stock product in the manner prescribed by the regulations;
- (e) delay the shipment of any live stock or live stock product for the time necessary to complete his inspection thereof;
- (f) refuse to inspect or mark or give any certificate respecting any live stock or live stock product found in any place, premises or vehicle deemed by him to be unsanitary or unsuitable for inspection purposes;
- (g) seize and detain any live stock or live stock product which has been manufactured, packed, branded, labelled, marked, shipped or transported in violation of this Act or the regulations and subject to any order made by the Minister under section 5 require the owner to remove such live stock or live stock product from the place of detention at the expense of the owner.

(2) No person shall obstruct any inspector in the performance of his duties or refuse to permit the inspection of any live stock or live stock product or furnish any inspector with false information. Obstruction.

(3) Every person shall, when required by an inspector, produce any books, records or other documents relating to any live stock or live stock product or copies of or extracts from such books, records or other documents. Production of records.

5.—(1) Any live stock or live stock product seized or detained by an inspector shall be disposed of as the Minister may direct. Disposal of seized live stock, etc.

(2) Any live stock or live stock product seized, detained or disposed of under this Act shall be at the risk and expense of the owner thereof, and the inspector shall immediately notify the owner that such live stock or live stock product has been seized, detained or disposed of as the case may be. Live stock seized and detained at expense of owner, etc.

6.—(1) The Lieutenant-Governor in Council may make regulations, Regulations.

- (a) establishing and describing standards for the purpose of grading any live stock or live stock product;
- (b) providing for the issue of grading certificates and prescribing the form thereof;
- (c) prescribing the manner in which samples of any live stock product may be taken for inspection;
- (d) providing for and prescribing the manner and conditions of grading, inspection, packing, branding and marking of any live stock or live stock product;
- (e) prescribing the manner in and the conditions under which any live stock or live stock product may be stored, transported, delivered, shipped, advertised, purchased, sold, offered or displayed for sale and the types, sizes, branding, marking and labelling of packages or containers in which any live stock or live stock product may be contained;
- (f) prescribing the manner in which the seller or shipper of ungraded live stock and live stock products shall identify, for purposes of grading, individual producer's lots in any shipment;
- (g) prescribing the manner in which a receiver shall make returns and prepare for presentation to the

seller or shipper the statements of account of purchase of any live stock or live stock product and for the investigation of such statements and the transactions represented thereby;

- (h) prescribing the manner in which receipts, classifications, weights and purchase prices shall be recorded at assembling points and abattoirs and made available to the Minister;
- (i) prescribing the grades of eggs which may be broken or dried in any egg-breaking plant;
- (j) prescribing the manner in which stockyards shall be constructed, equipped, maintained and operated;
- (k) prescribing the manner in which complaints against the maintenance and operation of any stockyard shall be made and investigated;
- (l) prescribing the manner in which complaints against any live stock exchange or any member of a live stock exchange shall be made and investigated;
- (m) prescribing the manner in which business shall be conducted by members of a live stock exchange and by persons using a stockyard;
- (n) designating any premises a stockyard for the purposes of this Act;
- (o) classifying persons dealing in live stock or live stock products;
- (p) providing for the licensing by the Commissioner of any class or classes of persons dealing in any live stock or live stock product, prescribing the forms and terms of licences, the fees to be paid therefor and the conditions under which they shall be issued;
- (q) providing for the renewal, suspension and cancellation of such licences and the reinstatement of any suspended or cancelled licence;
- (r) exempting from this Act or the regulations or any part thereof any person or group of persons;
- (s) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation made under this section may be limited as to time and place. Regulation may be limited.

7. Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and on summary conviction for a first offence shall be liable to a penalty of not less than \$25 and not more than \$100 and for a subsequent offence to a penalty of not less than \$50 and not more than \$1,000. Penalty.

8. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

9. This Act may be cited as *The Live Stock and Live Stock Products Act, 1950*. Short title.

An Act respecting Live Stock and
Live Stock Products.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. KENNEDY

No. 43

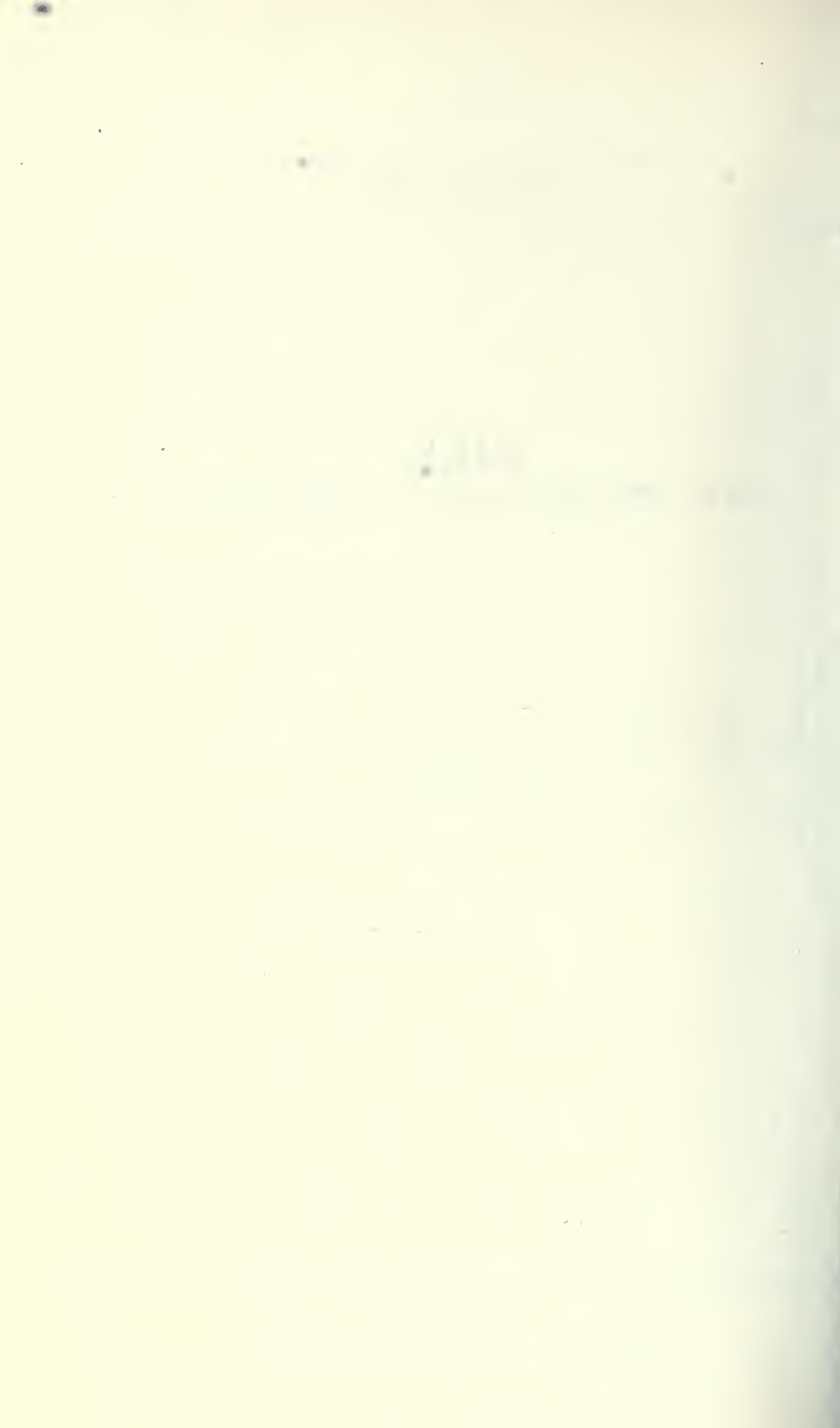
2ND SESSION, 23RD LEGISLATURE, ONTARIO
14¹ GEORGE VI, 1950

BILL

An Act respecting Live Stock and Live Stock Products.

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting Live Stock and Live Stock Products.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Commissioner" means Live Stock Commissioner;
- (b) "commission merchant" means any person, partnership, corporation or co-operative association engaged in the business of buying or selling live stock or live stock products for a commission;
- (c) "grade" means the classification of any live stock or live stock product according to the prescribed standards;
- (d) "inspector" means an inspector appointed for the purposes of this Act;
- (e) "live stock" means cattle, swine, sheep and live poultry;
- (f) "live stock products" means meat, raw hides, dressed poultry, eggs and wool;
- (g) "Minister" means Minister of Agriculture;
- (h) "regulations" means regulations made under this Act;
- (i) "shipper" means any person who assembles, ships, transports or offers for sale any live stock or live stock product on his own account or as an agent for any person;
- (j) "stockyard" means any premises used as a market

for purchasing and selling live stock designated a stockyard by the regulations.

Advisory
committee.

2. The Lieutenant-Governor in Council may authorize one or more persons engaged in the production or marketing of live stock or live stock products to act as an advisory committee with the Minister or his representatives in connection with the production or marketing of any live stock or live stock products.

Inspectors,
appoint-
ment of.

3. The Lieutenant-Governor in Council may appoint one or more inspectors for the purposes of this Act and may fix their remuneration and allowance for expenses.

Inspectors,
power of.

4.—(1) Any inspector, for the purpose of enforcing this Act and the regulations, may,

- (a) enter any place, premises or vehicle containing or used for the storage or carriage of any live stock or live stock product;
- (b) stop any vehicle on a highway which he believes to contain any live stock or live stock product and inspect the vehicle and any live stock or live stock product found therein;
- (c) require the production of any books, records or other documents relating to any live stock or live stock product or the furnishing of copies of or extracts from such books, records or other documents;
- (d) take samples of any live stock product in the manner prescribed by the regulations;
- (e) delay the shipment of any live stock or live stock product for the time necessary to complete his inspection thereof;
- (f) refuse to inspect or mark or give any certificate respecting any live stock or live stock product found in any place, premises or vehicle deemed by him to be unsanitary or unsuitable for inspection purposes;
- (g) seize and detain any live stock or live stock product which has been manufactured, packed, branded, labelled, marked, shipped or transported in violation of this Act or the regulations and subject to any order made by the Minister under section 5 require the owner to remove such live stock or live stock product from the place of detention at the expense of the owner.

(2) No person shall obstruct any inspector in the performance of his duties or refuse to permit the inspection of any live stock or live stock product or furnish any inspector with false information. Obstruction.

(3) Every person shall, when required by an inspector, produce any books, records or other documents relating to any live stock or live stock product or copies of or extracts from such books, records or other documents. Production of records.

5.—(1) Any live stock or live stock product seized or detained by an inspector shall be disposed of as the Minister may direct. Disposal of seized live stock, etc.

(2) Any live stock or live stock product seized, detained or disposed of under this Act shall be at the risk and expense of the owner thereof, and the inspector shall immediately notify the owner that such live stock or live stock product has been seized, detained or disposed of as the case may be. Live stock seized and detained at expense of owner, etc.

6.—(1) The Lieutenant-Governor in Council may make regulations, Regulations.

- (a) establishing and describing standards for the purpose of grading any live stock or live stock product;
- (b) providing for the issue of grading certificates and prescribing the form thereof;
- (c) prescribing the manner in which samples of any live stock product may be taken for inspection;
- (d) providing for and prescribing the manner and conditions of grading, inspection, packing, branding and marking of any live stock or live stock product;
- (e) prescribing the manner in and the conditions under which any live stock or live stock product may be stored, transported, delivered, shipped, advertised, purchased, sold, offered or displayed for sale and the types, sizes, branding, marking and labelling of packages or containers in which any live stock or live stock product may be contained;
- (f) prescribing the manner in which the seller or shipper of ungraded live stock and live stock products shall identify, for purposes of grading, individual producer's lots in any shipment;
- (g) prescribing the manner in which a receiver shall make returns and prepare for presentation to the

seller or shipper the statements of account of purchase of any live stock or live stock product and for the investigation of such statements and the transactions represented thereby;

- (h) prescribing the manner in which receipts, classifications, weights and purchase prices shall be recorded at assembling points and abattoirs and made available to the Minister;
- (i) prescribing the grades of eggs which may be broken or dried in any egg-breaking plant;
- (j) prescribing the manner in which stockyards shall be constructed, equipped, maintained and operated;
- (k) prescribing the manner in which complaints against the maintenance and operation of any stockyard shall be made and investigated;
- (l) prescribing the manner in which complaints against any live stock exchange or any member of a live stock exchange shall be made and investigated;
- (m) prescribing the manner in which business shall be conducted by members of a live stock exchange and by persons using a stockyard;
- (n) designating any premises a stockyard for the purposes of this Act;
- (o) classifying persons dealing in live stock or live stock products;
- (p) providing for the licensing by the Commissioner of any class or classes of persons dealing in any live stock or live stock product, prescribing the forms and terms of licences, the fees to be paid therefor and the conditions under which they shall be issued;
- (q) providing for the renewal, suspension and cancellation of such licences and the reinstatement of any suspended or cancelled licence;
- (r) exempting from this Act or the regulations or any part thereof any person or group of persons;
- (s) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation made under this section may be limited as to time and place. Regulation may be limited,

7. Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$25 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$1,000 for any subsequent offence. Penalty.

8. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

9. This Act may be cited as *The Live Stock and Live Stock Products Act, 1950*. Short title.

An Act respecting Live Stock and
Live Stock Products.

1st Reading

February 17th, 1950

2nd Reading

February 22nd, 1950

3rd Reading

March 3rd, 1950

MR. KENNEDY

No. 44

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Farm Products Marketing Act, 1946.

MR. KENNEDY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsections 1 and 2. The clauses as amended now deal with regulated products instead of farm products as formerly.

Subsection 3. The Board only establishes minimum prices and not fair or minimum prices as now set out. The words "fair or" are therefore deleted and the Act amended accordingly in section 3 of the Bill.

Subsection 4. The Board is given authority to authorize local boards to do the things set out in clause *ff*.

No. 44

1950

BILL

An Act to amend The Farm Products Marketing Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 3 of *The Farm Products Marketing Act, 1946* is amended by striking out the word “farm” in the third line and inserting in lieu thereof the word “regulated”, so that the clause shall read as follows: 1946, c. 29, s. 3, subs. 1, cl. a, amended.

- (a) investigate, arbitrate, adjudicate upon, adjust or otherwise settle any dispute between producers, processors, distributors or transporters of regulated products or between any two of such classes of persons.

(2) Clause *b* of subsection 1 of the said section 3 is amended by striking out the word “farm” where it occurs in the second and fifth lines respectively and inserting in lieu thereof the word “regulated”, so that the clause shall read as follows: 1946, c. 29, s. 3, subs. 1, cl. b, amended.

- (b) investigate the cost of producing, processing, distributing and transporting any regulated product, prices, price-spreads, trade practices, methods of financing, management, grading, policies and other matters relating to the marketing of regulated products.

(3) Clause *d* of subsection 1 of the said section 3 is repealed and the following substituted therefor: 1946, c. 29, s. 3, subs. 1, cl. d, re-enacted.

- (d) establish price negotiating agencies in connection with any scheme and adopt or determine minimum prices for any regulated product or any class, variety, grade or size of a regulated product.

(4) Subsection 1 of the said section 3 is further amended by adding thereto the following clause: 1946, c. 29, s. 3, subs. 1, amended.

(ff) authorize any local board,

- (i) to exempt from any scheme or any order or direction of the local board any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety or grade of regulated product,
- (ii) to require persons engaged in the producing or marketing of a regulated product to register their names, addresses and occupations with the local board, to require such persons to furnish such information in regard to the regulated product as the local board may determine, and to inspect the books and premises of such persons; provided that where a person engaged in the producing or marketing of a regulated product is required to register with a local board, the Board shall not require him to register with the Board.

1946, c. 29,
s. 3, subs. 1,
cl. hh (1949,
c. 32, s. 1),
re-enacted.

(5) Clause hh of subsection 1 of the said section 3, as enacted by section 1 of *The Farm Products Marketing Amendment Act, 1949*, is repealed and the following substituted therefor:

(hh) prohibit persons from engaging in the marketing or processing of any regulated product except under the authority of a licence issued by the Board;

(hhh) prohibit the marketing of any grade or size of any regulated product;

(hhhh) fix harvesting, digging or shipping quotas and establish harvesting, digging or shipping quota committees for any regulated product.

1946, c. 29,
s. 3, subs. 3,
re-enacted.

(6) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

Delegation
of powers.

(3) The Board may delegate to a local board such of its powers as it deems necessary, and may, at any time, terminate such delegation of power.

1946, c. 29,
s. 5,
amended.

2. Section 5 of *The Farm Products Marketing Act, 1946* is amended by inserting after the word "Board" in the third line the words "or of any local board", so that the section shall read as follows:

Penalty.

5. Any person who violates any of the provisions of this Act or the regulations, or of any scheme declared to be in force under this Act, or any order or direction of the Board or of any local board, shall be guilty of an offence and liable to a penalty not exceeding \$50

Subsection 5. The Board is given authority to prohibit the marketing of sizes and grades of regulated products and to fix quotas for harvesting, etc., and to establish quota committees.

Subsection 6. Subsection 3 is re-enacted to enable the Board to delegate any of its powers to local boards other than for enforcement purposes as now set out.

SECTIONS 2 AND 3. Section 5 does not at present cover a violation of an order of a local board. The amendment covers this situation.

SECTION 4—Subsection 1. The clauses as amended now deal with regulated products instead of farm products as formerly.

and for a subsequent offence to a penalty of not less than \$50 and not exceeding \$500.

3.—(1) Subsection 1 of section 6 of *The Farm Products Marketing Act, 1946* is repealed and the following substituted therefor: 1946, c. 29, s. 6, subs. 1, amended.

(1) Any person who fails to pay at least the minimum price adopted or determined by the Board or by any local board for any regulated product shall, in addition to the penalty provided for in section 5, incur a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or part payment for such regulated product. Failure to pay determined price.

(2) Subsection 2 of the said section 6 is amended by striking out the words "such fair or" in the fourth line and inserting in lieu thereof the words "at least the", so that the subsection shall read as follows: 1946, c. 29, s. 6, subs. 2, amended.

(2) The penalties imposed under this section shall be paid to the Board and the Board may, subject to the approval of the Minister, distribute the amount so received *pro rata* among the persons who failed to receive at least the minimum price. Distribution of penalty.

4.—(1) Subsection 1 of section 8 of *The Farm Products Marketing Act, 1946*, as amended by section 3 of *The Farm Products Marketing Amendment Act, 1949*, is further amended by striking out the word "farm" where it occurs in clauses *a*, *b*, *ff* and *g* and inserting in lieu thereof in each case the word "regulated", so that the clauses shall read as follows: 1946, c. 29, s. 8, subs. 1, cls. a, b, ff (1949, c. 32, s. 3), g, amended.

(a) regulating and controlling the marketing of regulated products, including the agency through which such products may be marketed, within Ontario;

(b) providing for the licensing by the Board of persons engaged in the marketing or processing of any regulated product and fixing the licence fees payable by such persons at different amounts and providing for the payment of such licence fees in instalments;

.

(ff) providing for the collection, use and return of service charges or equalization fees on regulated products;

(g) providing for the furnishing of security or proof of financial responsibility by persons who purchase regulated products for resale.

1946, c. 29,
s. 8, subs. 1,
amended.

(2) Subsection 1 of the said section 8 is further amended by adding thereto the following clause:

(gg) providing for the administration and disposition of any moneys or securities furnished as proof of financial responsibility.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Farm Products Marketing Amendment Act, 1950*.

Subsection 2. The new clause gives power to deal by regulation with the administration and disposition of securities which may be furnished as proof of financial responsibility.

An Act to amend The Farm Products
Marketing Act, 1946.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. KENNEDY

No. 44

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Farm Products Marketing Act, 1946.

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

THE UNIVERSITY OF CHICAGO

1918

1918

1918

1918

BILL

An Act to amend The Farm Products Marketing Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 3 of *The Farm Products Marketing Act, 1946* is amended by striking out the word “farm” in the third line and inserting in lieu thereof the word “regulated”, so that the clause shall read as follows: 1946, c. 29, s. 3, subs. 1, cl. a, amended.

- (a) investigate, arbitrate, adjudicate upon, adjust or otherwise settle any dispute between producers, processors, distributors or transporters of regulated products or between any two of such classes of persons.

(2) Clause *b* of subsection 1 of the said section 3 is amended by striking out the word “farm” where it occurs in the second and fifth lines respectively and inserting in lieu thereof the word “regulated”, so that the clause shall read as follows: 1946, c. 29, s. 3, subs. 1, cl. b, amended.

- (b) investigate the cost of producing, processing, distributing and transporting any regulated product, prices, price-spreads, trade practices, methods of financing, management, grading, policies and other matters relating to the marketing of regulated products.

(3) Clause *d* of subsection 1 of the said section 3 is repealed and the following substituted therefor: 1946, c. 29, s. 3, subs. 1, cl. d, re-enacted.

- (d) establish price negotiating agencies in connection with any scheme and adopt or determine minimum prices for any regulated product or any class, variety, grade or size of a regulated product.

(4) Subsection 1 of the said section 3 is further amended by adding thereto the following clause: 1946, c. 29, s. 3, subs. 1, amended.

(ff) authorize any local board,

- (i) to exempt from any scheme or any order or direction of the local board any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety or grade of regulated product,
- (ii) to require persons engaged in the producing or marketing of a regulated product to register their names, addresses and occupations with the local board, to require such persons to furnish such information in regard to the regulated product as the local board may determine, and to inspect the books and premises of such persons; provided that where a person engaged in the producing or marketing of a regulated product is required to register with a local board, the Board shall not require him to register with the Board.

1946, c. 29,
s. 3, subs. 1,
cl. hh (1949,
c. 32, s. 1),
re-enacted. (5) Clause hh of subsection 1 of the said section 3, as enacted by section 1 of *The Farm Products Marketing Amendment Act, 1949*, is repealed and the following substituted therefor:

(hh) prohibit persons from engaging in the marketing or processing of any regulated product except under the authority of a licence issued by the Board;

(hhh) prohibit the marketing of any grade or size of any regulated product;

(hhhh) fix harvesting, digging or shipping quotas and establish harvesting, digging or shipping quota committees for any regulated product.

1946, c. 29,
s. 3, subs. 3,
re-enacted. (6) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

Delegation
of powers.

(3) The Board may delegate to a local board such of its powers as it deems necessary, and may, at any time, terminate such delegation of power.

1946, c. 29,
s. 5,
amended.

2. Section 5 of *The Farm Products Marketing Act, 1946* is amended by inserting after the word "Board" in the third line the words "or of any local board", so that the section shall read as follows:

Penalty.

5. Any person who violates any of the provisions of this Act or the regulations, or of any scheme declared to be in force under this Act, or any order or direction of the Board or of any local board, shall be guilty of an offence and liable to a penalty not exceeding \$50

and for a subsequent offence to a penalty of not less than \$50 and not exceeding \$500.

3.—(1) Subsection 1 of section 6 of *The Farm Products Marketing Act, 1946* is repealed and the following substituted therefor: 1946, c. 29, s. 6, subs. 1, re-enacted.

- (1) Any person who fails to pay at least the minimum price adopted or determined by the Board or by any local board for any regulated product shall, in addition to the penalty provided for in section 5, incur a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or part payment for such regulated product. Failure to pay determined price.

(2) Subsection 2 of the said section 6 is amended by striking out the words "such fair or" in the fourth line and inserting in lieu thereof the words "at least the", so that the subsection shall read as follows: 1946, c. 29, s. 6, subs. 2, amended.

- (2) The penalties imposed under this section shall be paid to the Board and the Board may, subject to the approval of the Minister, distribute the amount so received *pro rata* among the persons who failed to receive at least the minimum price. Distribution of penalty.

4.—(1) Subsection 1 of section 8 of *The Farm Products Marketing Act, 1946*, as amended by section 3 of *The Farm Products Marketing Amendment Act, 1949*, is further amended by striking out the word "farm" where it occurs in clauses *a*, *b*, *ff* and *g* and inserting in lieu thereof in each case the word "regulated", so that the clauses shall read as follows: 1946, c. 29, s. 8, subs. 1, cls. a, b, ff (1949, c. 32, s. 3), g, amended.

- (a) regulating and controlling the marketing of regulated products, including the agency through which such products may be marketed, within Ontario;
- (b) providing for the licensing by the Board of persons engaged in the marketing or processing of any regulated product and fixing the licence fees payable by such persons at different amounts and providing for the payment of such licence fees in instalments;
-
- (ff) providing for the collection, use and return of service charges or equalization fees on regulated products;
- (g) providing for the furnishing of security or proof of financial responsibility by persons who purchase regulated products for resale.

1946, c. 29,
s. 8, subs. 1,
amended.

(2) Subsection 1 of the said section 8 is further amended by adding thereto the following clause:

(gg) providing for the administration and disposition of any moneys or securities furnished as proof of financial responsibility.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Farm Products Marketing Amendment Act, 1950*.

An Act to amend The Farm Products
Marketing Act, 1946.

1st Reading

February 17th, 1950

2nd Reading

February 22nd, 1950

3rd Reading

March 3rd, 1950

MR. KENNEDY

No. 45

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Stallions Act, 1950.

MR. KENNEDY

TORONTO
PRINTER AND PUBLISHER BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This is a complete revision of this Act which has not been revised since it was passed in 1924.

The principles are unchanged. The division of matters between the Act and the regulations is improved and the duties of the Stallion Enrolment Board are specified.

No. 45

1950

BILL

The Stallions Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Board" means Stallion Enrolment Board;
- (b) "Commissioner" means Live Stock Commissioner;
- (c) "inspector" means an inspector appointed for the purposes of this Act;
- (d) "Minister" means Minister of Agriculture. *New.*

2.—(1) The Lieutenant-Governor in Council may appoint ^{Board,} four persons who, with the Commissioner, shall constitute the ^{composition} of. Board. R.S.O. 1937, c. 339, s. 1 (1), *amended.*

(2) The Lieutenant-Governor in Council shall designate ^{Chairman.} one of the persons so appointed to be chairman of the Board. *New.*

(3) The Commissioner shall be the executive officer and ^{Executive} secretary of the Board. R.S.O. 1937, c. 339, s. 1 (2). ^{officer and} ^{secretary.}

(4) The Lieutenant-Governor in Council may fix the ^{Remunera-} remuneration and allowance for expenses of the members of the Board. R.S.O. 1937, c. 339, s. 2, *part, amended.* ^{tion.}

3. The Board shall adopt an official seal and cause an ^{Official} impression thereof to be made on every certificate issued by it. ^{seal.} *New.*

4. The Board shall,

Duties of
Board.

- (a) recommend persons whom it deems suitable for appointment as inspectors;

- (b) make such arrangements as it may deem necessary for the training of inspectors;
- (c) determine the times within the periods fixed by the regulations and the places that inspections shall be made;
- (d) wherever it deems it expedient, require any stallion to be inspected at such time and place as the Board may determine;
- (e) examine the reports of inspectors and grade and enrol such stallions as it may deem proper;
- (f) issue interim enrolment certificates or enrolment certificates to owners of enrolled stallions;
- (g) issue annually a report showing the names and addresses of the owners of enrolled stallions and containing such particulars as the Board may deem proper;
- (h) perform such other duties as the Minister may direct. *New.*

Inspectors.

5. The Lieutenant-Governor in Council may appoint one or more inspectors for the purpose of this Act and may fix their remuneration and allowance for expenses. R.S.O. 1937, c. 339, s. 2, *part, amended.* ¹

Conditions precedent to enrolment.

6. No stallion shall be enrolled,

- (a) unless the stallion is registered in the name of the person applying for the enrolment in a stud book recognized by the Board;
- (b) unless the stallion has been inspected under this Act; and
- (c) unless the prescribed fees have been paid. R.S.O. 1937, c. 339, s. 3 (2), *amended.*

Refusal to enrol.

7. The Board may refuse to enrol a stallion if the Board is of opinion that the stallion is for any reason unsuitable for breeding purposes. R.S.O. 1937, c. 339, s. 3 (3), *part, amended.*

Right to protest decision of Board.

8.—(1) If the owner of a stallion is dissatisfied with the decision of the Board he may file a notice of protest against the decision with the Commissioner, whereupon the Board shall reconsider the matter and make a final decision as though the original decision had not been made.

(2) Every such notice of protest shall be in writing and shall set forth the owner's reasons for his dissatisfaction with the decision of the Board. Notice of protest to contain reasons.

(3) Every such notice of protest shall be filed within thirty days after receipt by the owner of the original decision of the Board. Time of filing.

(4) Every such notice of protest shall be accompanied by a deposit of \$25 which shall be returned to the owner if the decision is reversed or altered and shall be retained by the Board in the same manner as fees if the original decision is sustained. *New.* Deposit.

9.—(1) Every newspaper notice, poster, handbill or other matter published or prepared for the purpose of advertising a stallion shall state the grade of such stallion as shown on its enrolment certificate and shall also state the date of expiry of such enrolment certificate. R.S.O. 1937, c. 339, s. 7 (1), *amended.* Advertising matter;

(2) A copy of every such notice, poster, handbill or other matter published or prepared for the purpose of advertising a stallion shall be filed with the Commissioner forthwith after it is published or prepared. *New.* to be filed with Commissioner.

10. No person shall stand, travel or offer for service or sale any stallion unless the stallion is enrolled under this Act. R.S.O. 1937, c. 339, s. 3 (1). Enrolment necessary.

11. The person in charge of a stallion at the time of service shall produce its enrolment certificate to the person in charge of the mare if called upon to do so. R.S.O. 1937, c. 339, s. 7 (3), *amended.* Production of enrolment certificate.

12. No service fee shall be collectable unless the stallion is enrolled under this Act at the time of service. R.S.O. 1937, c. 339, s. 5, *amended.* Service fee.

13. The owner of an enrolled stallion shall forthwith upon its death notify the Commissioner in writing of such death and return its enrolment certificate with such notice. *New.* Death notice.

14. Every person who contravenes any of the provisions of this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$25 and not more than \$100. R.S.O. 1937, c. 339, s. 10. Offences and penalties.

15. The Lieutenant-Governor in Council may make regulations, Regulations.

- (a) establishing and describing grades for stallions;
- (b) dividing Ontario into two or more inspection divisions and prescribing periods for each division within which inspections shall be made on the days determined by the Board;
- (c) designating the maximum interval that may elapse between inspections of stallions;
- (d) providing for special inspections and the grading of stallions specially inspected;
- (e) prescribing the period or periods of enrolment and providing for the issue of interim enrolment certificates and enrolment certificates;
- (f) prescribing fees for inspection, enrolment and the issue of interim enrolment certificates and enrolment certificates and providing for the waiving of such fees in prescribed cases;
- (g) providing for the payment, out of such moneys as may be appropriated by the Legislature for the purpose, of premiums to the owners of enrolled stallions or any breed or grade thereof, and defining classes of enrolled stallions that shall be eligible for premiums, and prescribing the terms and conditions governing the payment of such premiums;
- (h) prescribing the form of application for enrolment, the certificate of enrolment and such other forms as may be required for the purposes of this Act;
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Rev. Stat., c. 339;
1947, c. 99, repealed.

16. *The Stallion Act* and *The Stallion Amendment Act, 1947* are repealed.

Short title. **17.** This Act may be cited as *The Stallions Act, 1950*.

The Stallions Act, 1950.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. KENNEDY

No. 45

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Stallions Act, 1950.

MR. KENNEDY

TORONTO
PRINTER AND PUBLISHER BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 45

1950

BILL

The Stallions Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Board" means Stallion Enrolment Board;
- (b) "Commissioner" means Live Stock Commissioner;
- (c) "inspector" means an inspector appointed for the purposes of this Act;
- (d) "Minister" means Minister of Agriculture. *New.*

2.—(1) The Lieutenant-Governor in Council may appoint ^{Board,} four persons who, with the Commissioner, shall constitute the ^{composition} of the Board. R.S.O. 1937, c. 339, s. 1 (1), *amended*.

(2) The Lieutenant-Governor in Council shall designate ^{Chairman,} one of the persons so appointed to be chairman of the Board. *New.*

(3) The Commissioner shall be the executive officer and ^{Executive} secretary of the Board. R.S.O. 1937, c. 339, s. 1 (2). ^{officer and} ^{secretary.}

(4) The Lieutenant-Governor in Council may fix the ^{Remunera-} remuneration and allowance for expenses of the members of the Board. R.S.O. 1937, c. 339, s. 2, *part, amended*. ^{tion.}

3. The Board shall adopt an official seal and cause an ^{Official} impression thereof to be made on every certificate issued by it. ^{seal.} *New.*

4. The Board shall,

Duties of
Board.

- (a) recommend persons whom it deems suitable for appointment as inspectors;

- (b) make such arrangements as it may deem necessary for the training of inspectors;
- (c) determine the times within the periods fixed by the regulations and the places that inspections shall be made;
- (d) wherever it deems it expedient, require any stallion to be inspected at such time and place as the Board may determine;
- (e) examine the reports of inspectors and grade and enrol such stallions as it may deem proper;
- (f) issue interim enrolment certificates or enrolment certificates to owners of enrolled stallions;
- (g) issue annually a report showing the names and addresses of the owners of enrolled stallions and containing such particulars as the Board may deem proper;
- (h) perform such other duties as the Minister may direct. *New.*

Inspectors.

5. The Lieutenant-Governor in Council may appoint one or more inspectors for the purpose of this Act and may fix their remuneration and allowance for expenses. R.S.O. 1937, c. 339, s. 2, *part, amended.*

Conditions precedent to enrolment.

6. No stallion shall be enrolled,

- (a) unless the stallion is registered in the name of the person applying for the enrolment in a stud book recognized by the Board;
- (b) unless the stallion has been inspected under this Act; and
- (c) unless the prescribed fees have been paid. R.S.O. 1937, c. 339, s. 3 (2), *amended.*

Refusal to enrol.

7. The Board may refuse to enrol a stallion if the Board is of opinion that the stallion is for any reason unsuitable for breeding purposes. R.S.O. 1937, c. 339, s. 3 (3), *part, amended.*

Right to protest decision of Board.

8.—(1) If the owner of a stallion is dissatisfied with the decision of the Board he may file a notice of protest against the decision with the Commissioner, whereupon the Board shall reconsider the matter and make a final decision as though the original decision had not been made.

(2) Every such notice of protest shall be in writing and shall set forth the owner's reasons for his dissatisfaction with the decision of the Board. Notice of protest to contain reasons.

(3) Every such notice of protest shall be filed within thirty days after receipt by the owner of the original decision of the Board. Time of filing.

(4) Every such notice of protest shall be accompanied by a deposit of \$25 which shall be returned to the owner if the decision is reversed or altered and shall be retained by the Board in the same manner as fees if the original decision is sustained. *New.* Deposit.

9.—(1) Every newspaper notice, poster, handbill or other matter published or prepared for the purpose of advertising a stallion shall state the grade of such stallion as shown on its enrolment certificate and shall also state the date of expiry of such enrolment certificate. R.S.O. 1937, c. 339, s. 7 (1), *amended.* Advertising matter;

(2) A copy of every such notice, poster, handbill or other matter published or prepared for the purpose of advertising a stallion shall be filed with the Commissioner forthwith after it is published or prepared. *New.* to be filed with Commissioner.

10. No person shall stand, travel or offer for service or sale any stallion unless the stallion is enrolled under this Act. R.S.O. 1937, c. 339, s. 3 (1). Enrolment necessary.

11. The person in charge of a stallion at the time of service shall produce its enrolment certificate to the person in charge of the mare if called upon to do so. R.S.O. 1937, c. 339, s. 7 (3), *amended.* Production of enrolment certificate.

12. No service fee shall be collectable unless the stallion is enrolled under this Act at the time of service. R.S.O. 1937, c. 339, s. 5, *amended.* Service fee.

13. The owner of an enrolled stallion shall forthwith upon its death notify the Commissioner in writing of such death and return its enrolment certificate with such notice. *New.* Death notice.

14. Every person who contravenes any of the provisions of this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$25 and not more than \$100. R.S.O. 1937, c. 339, s. 10. Offences and penalties.

15. The Lieutenant-Governor in Council may make regulations, Regulations.

- (a) establishing and describing grades for stallions;
- (b) dividing Ontario into two or more inspection divisions and prescribing periods for each division within which inspections shall be made on the days determined by the Board;
- (c) designating the maximum interval that may elapse between inspections of stallions;
- (d) providing for special inspections and the grading of stallions specially inspected;
- (e) prescribing the period or periods of enrolment and providing for the issue of interim enrolment certificates and enrolment certificates;
- (f) prescribing fees for inspection, enrolment and the issue of interim enrolment certificates and enrolment certificates and providing for the waiving of such fees in prescribed cases;
- (g) providing for the payment, out of such moneys as may be appropriated by the Legislature for the purpose, of premiums to the owners of enrolled stallions or any breed or grade thereof, and defining classes of enrolled stallions that shall be eligible for premiums, and prescribing the terms and conditions governing the payment of such premiums;
- (h) prescribing the form of application for enrolment, the certificate of enrolment and such other forms as may be required for the purposes of this Act;
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 339, s. 9, *amended*.

Rev. Stat.,
c. 339;
1947, c. 99,
repealed.

16. *The Stallion Act* and *The Stallion Amendment Act*, 1947 are repealed.

Short title.

17. This Act may be cited as *The Stallions Act, 1950*.

The Stallions Act, 1950.

1st Reading

February 17th, 1950

2nd Reading

February 20th, 1950

3rd Reading

March 3rd, 1950

MR. KENNEDY

No. 46

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Weed Control Act, 1950.

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

This is a complete revision of this Act. It was last revised in 1935.

The powers and duties of local weed inspectors and district weed inspectors are clarified.

Provision is made for newspaper notice instead of personal notice before noxious weeds growing on vacant lots are destroyed by order of the inspector.

No. 46

1950

BILL

The Weed Control Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "district inspector" means a person appointed or designated by the Lieutenant-Governor in Council to enforce this Act;
- (b) "inspector" means a person appointed or designated by the council of a municipality to enforce this Act;
- (c) "Minister" means Minister of Agriculture;
- (d) "noxious weed" means a plant that is designated under this Act as a noxious weed;
- (e) "regulations" means regulations made under this Act;
- (f) "weed seed" means seed of a noxious weed. R.S.O. 1937, c. 344, s. 1; 1946, c. 109, s. 1, *amended*.

2.—(1) The Lieutenant-Governor in Council may designate any plant as a noxious weed, and with the consent of the Minister any municipality may by by-law designate any other plant as a noxious weed within the municipality. R.S.O. 1937, c. 344, s. 2, cl. (a), s. 3 (1); 1940, c. 35, s. 1 (1), *amended*.

Designation
of plants
as noxious
weeds.

(2) No such by-law shall come into force until it is published in *The Ontario Gazette* and it shall then have the same force within the municipality as if the plant designated as a noxious weed in the by-law had been designated as a noxious weed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 344, s. 3 (2); 1940, c. 35, s. 1 (2), *amended*.

Publication
of by-laws.

3.—(1) Every occupant of land, or if the land is unoccupied, the owner, shall destroy all noxious weeds thereon

Duty to
destroy
noxious
weeds.

as often in every year as is necessary to prevent the ripening of their seeds. R.S.O. 1937, c. 344, s. 4.

Riparian
owners.

(2) Where the land abuts a river, stream, lake or other body of water the occupant or owner, as the case may be, shall destroy all noxious weeds as required under subsection 1 that are growing between the limit of his land and the low water mark of the river, stream, lake or other body of water. R.S.O. 1937, c. 344, s. 15, *amended*.

Road
authorities.
Rev. Stat.,
c. 56.

4.—(1) For the purposes of section 3 every road authority within the meaning of *The Highway Improvement Act* shall be deemed to be the occupant of the land under its jurisdiction.

Sanction.

(2) Where the Minister is of opinion that any road authority has failed to perform its duty under section 3 the Lieutenant-Governor in Council may direct that any sums of money payable out of the Consolidated Revenue Fund to the road authority shall be withheld until such time as the Minister of Highways is satisfied that the road authority has performed such duty. R.S.O. 1937, c. 344, s. 13.

Appoint-
ment of
inspectors.

5.—(1) The council of every county, every municipality not forming part of a county for municipal purposes, and every municipality in a territorial district shall, and any town, village or township in a county may, pass by-laws appointing one or more persons as inspectors and fixing the remuneration or other compensation for their services under this Act.

Division of
municipality
into sec-
tions.

(2) Any such council may divide the municipality into sections and appoint one or more inspectors for each section. 1946, c. 109, s. 3, *amended*.

Failure to
appoint
inspectors.

(3) Where the appointment of one or more inspectors is required by this Act and the council neglects or refuses to do so, the Minister may in writing addressed to the council appoint one or more persons as inspectors for the municipality, fix the remuneration or other compensation for their services under this Act and direct the treasurer of the municipality to pay the same. R.S.O. 1937, c. 344, s. 6 (1, 2); 1946, c. 109, s. 4.

Incom-
petence.

(4) If in the opinion of the Minister any inspector is incompetent or remiss in the discharge of his duties the Minister may, in writing addressed to the council concerned, annul the appointment of such inspector. R.S.O. 1937, c. 344, s. 6 (3).

Unorganized
territory.

6. Where road commissioners have been appointed under *The Statute Labour Act* in unorganized territory, they shall

for the purposes of this Act have the powers and perform the duties of an inspector, and the provisions of this Act and the regulations shall apply in the same manner as in the case of a municipality except that any sums payable by a person liable for expenses incurred or remuneration paid in enforcing this Act shall be collectable in the manner provided in *The Statute Labour Act* with respect to the enforcement of the payment of charges for statute labour or commutation thereof. R.S.O. 1937, c. 344, s. 20, *amended*. Rev. Stat.,
c. 274.

7. In order to search for noxious weeds or weed seeds in his jurisdiction any inspector at any time between sunrise and sunset may enter upon any land and may enter any building other than a dwelling house, and may inspect any machinery, implement or vehicle. R.S.O. 1937, c. 344, s. 9, *amended*. Powers of
inspectors.

8.—(1) Where the inspector finds noxious weeds or weed seeds on any land and the occupant, or if the land is unoccupied, the owner, resides within his jurisdiction, the inspector shall confer with him as to a satisfactory method of destroying such noxious weeds or weed seeds, and if satisfactory arrangements are agreed upon, the inspector and the occupant or owner, as the case may be, may draw up and sign a memorandum of the agreement in the form prescribed in the regulations. Agreement
for destruc-
tion.

(2) Where no such agreement is made or where such agreement is made but the occupant or owner making it fails to carry out its terms, or the inspector is unable to find the occupant or owner at his usual place of residence on two different days, the inspector may issue an order in the form prescribed in the regulations requiring the person named therein to destroy the noxious weeds or weed seeds within the period of time specified therein, which period shall not commence until at least three days after the person named in the order has been served with a copy thereof. Order for
destruction,
— residents.

(3) The order shall be served by leaving a copy thereof with an adult person at the usual place of residence of the person named therein or by sending it by registered post addressed to the person named therein at his usual place of residence. *New*. Service of
order.

9.—(1) Where the inspector finds noxious weeds or weed seeds on any unoccupied land and the owner does not reside within his jurisdiction, the inspector may issue an order in the form prescribed in the regulations requiring the person named therein to destroy the noxious weeds or weed seeds within the period of time specified therein, which period shall not commence until at least five days after the person named in the order has been served with a copy thereof. Order for
destruction,
— non-
residents.

Service of
order.

(2) The order shall be served by sending a copy thereof by registered post addressed to the person named therein at his usual place of residence. *New.*

Failure to
comply with
order.

10. If the person named in an order issued under section 8 or 9 fails to comply therewith, the inspector may cause the noxious weeds or weed seeds to be destroyed in such manner as he may deem proper. *New.*

Expenses of
inspectors.

11.—(1) Every inspector shall keep a record of the expenses incurred by him in the discharge of his duties under this Act with respect to each parcel of land concerned, and he shall serve a statement thereof, together with a notice requesting payment, on the occupant of the land, or if it is unoccupied, on the owner thereof.

Service of
statement.

(2) The statement and notice shall be served in the same manner as an order under section 8 or 9, as the case may be.

Appeal.

(3) If the person on whom the statement was served considers the amount of the expenses to be excessive, he may, within seven days after the statement has been served on him, appeal to the council of the municipality and the council may confirm the statement or vary it in any way it deems proper.

Refusal or
failure to
pay.

(4) If the occupant or owner, as the case may be, refuses or neglects to pay the amount set out in the statement, or determined on appeal to be payable, within fifteen days after the request for payment or in the event of appeal, the disposition of the appeal, the inspector shall present the statement to the council and the council if the statement is proper shall allow it and order it to be paid out of the general funds of the municipality.

Collection.

(5) The council shall cause every amount so paid out to be placed on the collector's roll against the land concerned and it shall be collected in the same manner as taxes under *The Assessment Act*. R.S.O. 1937, c. 344, ss. 10, 12; 1946, c. 109, s. 6, *amended*.

Rev. Stat.,
c. 272.

Subdivided
areas.

12. Notwithstanding any other provision of this Act, the council of any city, town, village or township after publication of notice thereof in a newspaper having general circulation in the municipality may direct any of its inspectors to cause the noxious weeds or weed seeds on any subdivided portions of the municipality to be destroyed in such manner as he may deem proper, and the inspector shall report to the clerk of the municipality the amount of the expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned and the clerk shall place on the collector's roll of the municipality the amounts

so expended against the respective parcels concerned and such amounts shall be collected in the same manner as taxes under *The Assessment Act* subject to an appeal to the court of revision of the municipality at any time during the year in which such amounts are placed on the collector's roll. R.S.O. 1937, c. 344, s. 12, *part, amended*. Rev. Stat., c. 272.

13.—(1) The Lieutenant-Governor in Council may for the purposes of this Act divide Ontario into districts and may appoint one or more persons as district inspectors to enforce this Act in any such district. Appointment of district inspectors.

(2) Every district inspector within his district shall have all the powers of an inspector. *New*. Powers.

14.—(1) Where a district inspector finds noxious weeds or weed seeds on any land within the limits of any municipality in his district, he may deliver or send by registered post to the clerk of the municipality a notice requiring such noxious weeds or weed seeds to be destroyed before the date specified in the notice. Notice to destroy.

(2) Where any such notice is not complied with, the district inspector may cause the noxious weeds or weed seeds to be destroyed in such manner as he may deem proper. Failure to comply with notice.

(3) The expenses incurred by a district inspector under subsection 2 shall be payable on demand by the municipality concerned and shall be recoverable in any court of competent jurisdiction by the Minister in the name of His Majesty as a debt due the Crown and in any such action the certificate of the Minister as to the amount of such expenses shall be conclusive evidence thereof. R.S.O. 1937, c. 344, s. 11, *amended*. Expenses and charges.

15. No person shall deposit or permit to be deposited any noxious weeds or weed seeds in any place if to do so is likely to cause the weeds or weed seeds to grow or spread. R.S.O. 1937, c. 344, s. 16; 1946, c. 109, s. 9, *amended*. Disposal.

16. No person shall move or cause to be moved any machine used for threshing, combining, seed cleaning, chopping, bailing, silo filling or other processing of farm crops without first removing all seeds and other residue therefrom if to do so is likely to cause noxious weeds or weed seeds to grow or spread. R.S.O. 1937, c. 344, s. 17; 1946, c. 109, s. 10, *amended*. Cleaning of machines.

17. Every person in charge of a grain elevator, grist mill, flour mill, seed-cleaning plant or other grain-cleaning or grain-grinding plant shall dispose of all refuse containing weed Grain elevators, etc.

seeds in such manner as will prevent the weed seeds from growing or spreading. *New.*

Seed-clean-
ing plants,—
licence.

18.—(1) No person shall operate a seed-cleaning plant without a licence therefor from the Minister, but notwithstanding the issue of a licence no person shall operate a seed-cleaning plant when its efficiency is lower than the minimum standards prescribed in the regulations.

Where no
fee payable.

(2) The fee prescribed for the licence or any renewal thereof shall not be payable if the seed-cleaning plant is used only for cleaning the grain and seed of its owner. 1946, c. 109, s. 11, *amended*.

Offences and
penalties.

19. Every person who contravenes any of the provisions of this Act or of the regulations or who refuses or neglects to obey any lawful order of any inspector or district inspector or who interferes with or obstructs any inspector or district inspector in the performance of his duties shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$50. R.S.O. 1937, c. 344, ss. 22, 23, 24, *amended*.

Regulations.

20. The Lieutenant-Governor in Council may make regulations,

- (a) designating plants as noxious weeds;
- (b) prescribing methods and procedures for the destruction of noxious weeds and weed seeds;
- (c) prescribing methods and procedures to be taken to prevent the establishment of any noxious weed in any locality;
- (d) regulating and governing the transportation of farm produce that is infested with noxious weeds or weed seeds;
- (e) providing for the issue, term, transfer, renewal, suspension or cancellation of licences for seed-cleaning plants and prescribing the fees to be paid therefor or the renewal thereof;
- (f) prescribing minimum efficiency standards for seed-cleaning plants;
- (g) providing for the reimbursement of municipalities for any part of the moneys expended under this Act from such moneys as may be appropriated by the Legislature for the purpose;

(h) prescribing the forms required by this Act;

(i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 344, s. 2, *amended*.

21. *The Weed Control Act, The Weed Control Amendment Act, 1940, The Weed Control Amendment Act, 1944 and The Weed Control Amendment Act, 1946* are repealed. Rev. Stat., c. 344;
1940, c. 35;
1944, c. 68;
1946, c. 109,
repealed.

22. This Act may be cited as *The Weed Control Act, 1950*. Short title.

The Weed Control Act, 1950.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. KENNEDY

No. 46

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Weed Control Act, 1950.

MR. KENNEDY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 46

1950

BILL

The Weed Control Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "district inspector" means a person appointed or designated by the Lieutenant-Governor in Council to enforce this Act;
- (b) "inspector" means a person appointed or designated by the council of a municipality to enforce this Act;
- (c) "Minister" means Minister of Agriculture;
- (d) "noxious weed" means a plant that is designated under this Act as a noxious weed;
- (e) "regulations" means regulations made under this Act;
- (f) "weed seed" means seed of a noxious weed. R.S.O. 1937, c. 344, s. 1; 1946, c. 109, s. 1, *amended*.

2.—(1) The Lieutenant-Governor in Council may designate any plant as a noxious weed, and with the consent of the Minister any municipality may by by-law designate any other plant as a noxious weed within the municipality. R.S.O. 1937, c. 344, s. 2, cl. (a), s. 3 (1); 1940, c. 35, s. 1 (1), *amended*.

Designation
of plants
as noxious
weeds.

(2) No such by-law shall come into force until it is published in *The Ontario Gazette* and it shall then have the same force within the municipality as if the plant designated as a noxious weed in the by-law had been designated as a noxious weed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 344, s. 3 (2); 1940, c. 35, s. 1 (2), *amended*.

Publication
of by-laws.

3.—(1) Every occupant of land, or if the land is unoccupied, the owner, shall destroy all noxious weeds thereon

Duty to
destroy
noxious
weeds.

as often in every year as is necessary to prevent the ripening of their seeds. R.S.O. 1937, c. 344, s. 4.

Riparian owners.

(2) Where the land abuts a river, stream, lake or other body of water the occupant or owner, as the case may be, shall destroy all noxious weeds as required under subsection 1 that are growing between the limit of his land and the low water mark of the river, stream, lake or other body of water. R.S.O. 1937, c. 344, s. 15, *amended*.

Road authorities.

Rev. Stat., c. 56.

4.—(1) For the purposes of section 3 every road authority within the meaning of *The Highway Improvement Act* shall be deemed to be the occupant of the land under its jurisdiction.

Sanction.

(2) Where the Minister is of opinion that any road authority has failed to perform its duty under section 3 the Lieutenant-Governor in Council may direct that any sums of money payable out of the Consolidated Revenue Fund to the road authority shall be withheld until such time as the Minister of Highways is satisfied that the road authority has performed such duty. R.S.O. 1937, c. 344, s. 13 (2, 3), *amended*.

Appointment of inspectors.

5.—(1) The council of every county, every municipality not forming part of a county for municipal purposes, and every municipality in a territorial district shall, and any town, village or township in a county may, pass by-laws appointing one or more persons as inspectors and fixing the remuneration or other compensation for their services under this Act.

Division of municipality into sections.

(2) Any such council may divide the municipality into sections and appoint one or more inspectors for each section. 1946, c. 109, s. 3, *amended*.

Failure to appoint inspectors.

(3) Where the appointment of one or more inspectors is required by this Act and the council neglects or refuses to do so, the Minister may in writing addressed to the council appoint one or more persons as inspectors for the municipality, fix the remuneration or other compensation for their services under this Act and direct the treasurer of the municipality to pay the same. R.S.O. 1937, c. 344, s. 6 (1, 2), *amended*.

Incompetence.

(4) If in the opinion of the Minister any inspector is incompetent or remiss in the discharge of his duties the Minister may, in writing addressed to the council concerned, annul the appointment of such inspector. R.S.O. 1937, c. 344, s. 6 (3).

Unorganized territory.

6. Where road commissioners have been appointed under *The Statute Labour Act* in unorganized territory, they shall

for the purposes of this Act have the powers and perform the duties of an inspector, and the provisions of this Act and the regulations shall apply in the same manner as in the case of a municipality except that any sums payable by a person liable for expenses incurred or remuneration paid in enforcing this Act shall be collectable in the manner provided in *The Statute Labour Act* with respect to the enforcement of the payment of charges for statute labour or commutation thereof. R.S.O. 1937, c. 344, s. 20, *amended*.

Rev. Stat.,
c. 274.

7. In order to search for noxious weeds or weed seeds in his jurisdiction any inspector at any time between sunrise and sunset may enter upon any land and may enter any building other than a dwelling house, and may inspect any machinery, implement or vehicle. R.S.O. 1937, c. 344, s. 9, *amended*.

Powers of
inspectors.

8.—(1) Where the inspector finds noxious weeds or weed seeds on any land and the occupant, or if the land is unoccupied, the owner, resides within his jurisdiction, the inspector shall confer with him as to a satisfactory method of destroying such noxious weeds or weed seeds, and if satisfactory arrangements are agreed upon, the inspector and the occupant or owner, as the case may be, may draw up and sign a memorandum of the agreement in the form prescribed in the regulations.

Agreement
for destruc-
tion.

(2) Where no such agreement is made or where such agreement is made but the occupant or owner making it fails to carry out its terms, or the inspector is unable to find the occupant or owner at his usual place of residence on two different days, the inspector may issue an order in the form prescribed in the regulations requiring the person named therein to destroy the noxious weeds or weed seeds within the period of time specified therein, which period shall not commence until at least three days after the person named in the order has been served with a copy thereof.

Order for
destruction,
— residents.

(3) The order shall be served by leaving a copy thereof with an adult person at the usual place of residence of the person named therein or by sending it by registered post addressed to the person named therein at his usual place of residence. *New.*

Service of
order.

9.—(1) Where the inspector finds noxious weeds or weed seeds on any unoccupied land and the owner does not reside within his jurisdiction, the inspector may issue an order in the form prescribed in the regulations requiring the person named therein to destroy the noxious weeds or weed seeds within the period of time specified therein, which period shall not commence until at least five days after the person named in the order has been served with a copy thereof.

Order for
destruction,
— non-
residents.

Service of
order.

(2) The order shall be served by sending a copy thereof by registered post addressed to the person named therein at his usual place of residence. *New.*

Failure to
comply with
order.

10. If the person named in an order issued under section 8 or 9 fails to comply therewith, the inspector may cause the noxious weeds or weed seeds to be destroyed in such manner as he may deem proper. *New.*

Expenses of
inspectors.

11.—(1) Every inspector shall keep a record of the expenses incurred by him in the discharge of his duties under this Act with respect to each parcel of land concerned, and he shall serve a statement thereof, together with a notice requesting payment, on the occupant of the land, or if it is unoccupied, on the owner thereof.

Service of
statement.

(2) The statement and notice shall be served in the same manner as an order under section 8 or 9, as the case may be.

Appeal.

(3) If the person on whom the statement was served considers the amount of the expenses to be excessive, he may, within seven days after the statement has been served on him, appeal to the council of the municipality and the council may confirm the statement or vary it in any way it deems proper.

Refusal or
failure to
pay.

(4) If the occupant or owner, as the case may be, refuses or neglects to pay the amount set out in the statement, or determined on appeal to be payable, within fifteen days after the request for payment or in the event of appeal, the disposition of the appeal, the inspector shall present the statement to the council and the council, if the statement is proper, shall allow it and order it to be paid out of the general funds of the municipality.

Collection.

(5) The council shall cause every amount so paid out to be placed on the collector's roll against the land concerned and it shall be collected in the same manner as taxes under *The Assessment Act*. R.S.O. 1937, c. 344, s. 10, s. 12 *part*; 1946, c. 109, s. 6, *amended*.

Rev. Stat.,
c. 272.

Subdivided
areas.

12. Notwithstanding any other provision of this Act, the council of any city, town, village or township after publication of notice thereof in a newspaper having general circulation in the municipality may direct any of its inspectors to cause the noxious weeds or weed seeds on any subdivided portions of the municipality to be destroyed in such manner as he may deem proper, and the inspector shall report to the clerk of the municipality the amount of the expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned and the clerk shall place on the collector's roll of the municipality the amounts

so expended against the respective parcels concerned and such amounts shall be collected in the same manner as taxes under *The Assessment Act* subject to an appeal to the court of revision of the municipality at any time during the year in which such amounts are placed on the collector's roll. R.S.O. 1937, c. 344, s. 12, *part, amended*. Rev. Stat., c. 272.

13.—(1) The Lieutenant-Governor in Council may for the purposes of this Act divide Ontario into districts and may appoint one or more persons as district inspectors to enforce this Act in any such district. Appointment of district inspectors.

(2) Every district inspector within his district shall have all the powers of an inspector. *New.* Powers.

14.—(1) Where a district inspector finds noxious weeds or weed seeds on any land within the limits of any municipality in his district, he may deliver or send by registered post to the clerk of the municipality a notice requiring such noxious weeds or weed seeds to be destroyed before the date specified in the notice. Notice to destroy.

(2) Where any such notice is not complied with, the district inspector may cause the noxious weeds or weed seeds to be destroyed in such manner as he may deem proper. Failure to comply with notice.

(3) The expenses incurred by a district inspector under subsection 2 shall be payable on demand by the municipality concerned and shall be recoverable in any court of competent jurisdiction by the Minister in the name of His Majesty as a debt due the Crown and in any such action the certificate of the Minister as to the amount of such expenses shall be conclusive evidence thereof. R.S.O. 1937, c. 344, s. 11, *amended*. Expenses and charges.

15. No person shall deposit or permit to be deposited any noxious weeds or weed seeds in any place if to do so is likely to cause the weeds or weed seeds to grow or spread. R.S.O. 1937, c. 344, s. 16; 1946, c. 109, s. 9, *amended*. Disposal.

16. No person shall move or cause to be moved any machine used for threshing, combining, seed cleaning, chopping, baling, silo filling or other processing of farm crops without first removing all seeds and other residue therefrom if to do so is likely to cause noxious weeds or weed seeds to grow or spread. R.S.O. 1937, c. 344, s. 17; 1946, c. 109, s. 10, *amended*. Cleaning of machines.

17. Every person in charge of a grain elevator, grist mill, flour mill, seed-cleaning plant or other grain-cleaning or grain-grinding plant shall dispose of all refuse containing weed Grain elevators, etc.

seeds in such manner as will prevent the weed seeds from growing or spreading. *New.*

Seed-cleaning plants, licence.

18.—(1) No person shall operate a seed-cleaning plant without a licence therefor from the Minister, but notwithstanding the issue of a licence no person shall operate a seed-cleaning plant when its efficiency is lower than the minimum standards prescribed in the regulations.

Where no fee payable.

(2) The fee prescribed for the licence or any renewal thereof shall not be payable if the seed-cleaning plant is used only for cleaning the grain and seed of its owner. 1946, c. 109, s. 11, *amended*.

Offences and penalties.

19. Every person who contravenes any of the provisions of this Act or of the regulations or who refuses or neglects to obey any lawful order of any inspector or district inspector or who interferes with or obstructs any inspector or district inspector in the performance of his duties shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$50. R.S.O. 1937, c. 344, ss. 22, 23, 24, *amended*.

Regulations.

20. The Lieutenant-Governor in Council may make regulations,

- (a) designating plants as noxious weeds;
- (b) prescribing methods and procedures for the destruction of noxious weeds and weed seeds;
- (c) prescribing methods and procedures to be taken to prevent the establishment of any noxious weed in any locality;
- (d) regulating and governing the transportation of farm produce that is infested with noxious weeds or weed seeds;
- (e) providing for the issue, term, transfer, renewal, suspension or cancellation of licences for seed-cleaning plants and prescribing the fees to be paid therefor or the renewal thereof;
- (f) prescribing minimum efficiency standards for seed-cleaning plants;
- (g) providing for the reimbursement of municipalities for any part of the moneys expended under this Act from such moneys as may be appropriated by the Legislature for the purpose;

(h) prescribing the forms required by this Act;

(i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 344, s. 2; 1946, c. 109, s. 2, amended.

21. *The Weed Control Act, The Weed Control Amendment Act, 1940, The Weed Control Amendment Act, 1944 and The Weed Control Amendment Act, 1946* are repealed. Rev. Stat., c. 344; 1940, c. 35; 1944, c. 68; 1946, c. 109, repealed.

22. This Act may be cited as *The Weed Control Act, 1950*. Short title.

The Weed Control Act, 1950.

1st Reading

February 17th, 1950

2nd Reading

February 22nd, 1950

3rd Reading

March 3rd, 1950

MR. KENNEDY

No. 47

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to provide for the Establishment of Restricted Areas
for Seed-potatoes.

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of this Bill is to enable growers of seed-potatoes to petition the council of the township in which they grow potatoes, or in territory without municipal organization to petition the Minister, to establish restricted areas in order to control the kinds and grades of potatoes grown in such area and to control the spread of disease in potatoes.

BILL

An Act to provide for the Establishment of Restricted Areas for Seed-potatoes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "container" means any bag, sack, crate, barrel or other receptacle in which potatoes may be placed, stored, shipped, offered for sale or sold;
- (b) "Director" means Director of the Crops, Seeds and Weeds Branch of the Department of Agriculture;
- (c) "grower" means any person who grows more than one acre of potatoes;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means Minister of Agriculture;
- (f) "regulations" means regulations made under this Act;
- (g) "restricted area" means a seed-potato restricted area constituted under the authority of this Act.

2.—(1) Upon receipt of a petition that, in the opinion of the clerk of the township, bears the signatures of more than eighty per centum of all growers in the area defined in the petition, the council shall pass a by-law constituting the whole or the part of the township described in the petition as a seed-potato restricted area.

(2) The petition shall contain,

Petition,
contents of.

- (a) a detailed description of the boundaries of the proposed restricted area;

(b) the approximate acreage of potatoes grown in the preceding year in the proposed restricted area;

(c) a list of the names and addresses of all growers in the proposed restricted area.

Copy of
by-law to be
sent to
Director.

3. The clerk shall send a certified copy of the by-law to the Director within seven days after it is passed.

Inspectors.

4. Where a by-law under this Act is passed, the council shall appoint one or more inspectors for the restricted area to enforce the provisions of this Act and the regulations.

Restricted
area in
territory
without
municipal
organiza-
tion.

5.—(1) Upon receipt of a petition containing the information required by subsection 2 of section 2 that, in the opinion of the Minister, bears the signatures of more than eighty per centum of all growers in the area defined in the petition where such area is situated in territory without municipal organization, the Lieutenant-Governor in Council may constitute the area described in the petition as a seed-potato restricted area.

Inspectors
in territory
without
municipal
organiza-
tion.

(2) The Minister shall appoint one or more inspectors for the restricted area to enforce the provisions of this Act and the regulations and shall fix the remuneration to be paid to any such inspector.

Power to
enter
premises.

6. In the performance of his duties under this Act and the regulations any inspector may at any time between sunrise and sunset enter any land, building or part of a dwelling house used for storing potatoes in the restricted area.

Seed to be
planted.

7. No grower shall plant within a restricted area any seed-potatoes other than those prescribed by the regulations.

Moving
into area,

8. No person shall move or cause to be moved into a restricted area,

potatoes,

(a) any kind or grade of potatoes without a permit from an inspector; or

containers.

(b) any container which has been used as a container for potatoes or is infected with any potato disease.

New con-
tainers to
be used.

9. All potatoes moved out of a restricted area shall be in new containers.

Potatoes for
industrial
processing,
etc.

10. Potatoes moved into a restricted area for industrial processing or for re-shipment shall be stored in warehouses or other places of storage approved by an inspector as not being a possible source or means of spreading any potato disease.

11. All places of storage, containers, and machinery used for potatoes in a restricted area shall be disinfected at least once each year, and any planting, harvesting or grading equipment used for potatoes shall be disinfected before such equipment is moved from one farm to another within a restricted area. Disinfecting containers, etc.

12. Every inspector shall once each year during the growing season and may at any time inspect the potato fields in his jurisdiction. Inspection of fields.

13. No person shall move or cause to be moved, from one farm to another within a restricted area, any potatoes infected with Bacterial Ring Rot. Moving infected potatoes in area.

14. Every person who contravenes any of the provisions of this Act or the regulations, or hinders or obstructs an inspector in the performance of his duties, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$25 and not more than \$200. Penalty.

15. The Lieutenant-Governor in Council may make regulations, Regulations.

- (a) prescribing the kinds and grades of potatoes which may be planted in a restricted area;
- (b) prescribing the duties of inspectors;
- (c) providing for the making of grants by the Minister out of such moneys as may be appropriated by the Legislature for the purpose of reimbursing any township for any expense it has incurred under this Act;
- (d) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

16. This Act may be cited as *The Seed-potatoes Act, 1950*. Short title.

An Act to provide for the Establishment of
Restricted Areas for Seed-potatoes.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. KENNEDY

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to provide for the Establishment of Restricted Areas
for Seed-potatoes.

MR. KENNEDY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to provide for the Establishment of
Restricted Areas for Seed-potatoes.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "container" means any bag, sack, crate, barrel or other receptacle in which potatoes may be placed, stored, shipped, offered for sale or sold;
- (b) "Director" means Director of the Crops, Seeds and Weeds Branch of the Department of Agriculture;
- (c) "grower" means any person who grows more than one acre of potatoes;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means Minister of Agriculture;
- (f) "regulations" means regulations made under this Act;
- (g) "restricted area" means a seed-potato restricted area constituted under the authority of this Act.

2.—(1) Upon receipt of a petition that, in the opinion of the clerk of the township, bears the signatures of more than eighty per centum of all growers in the area defined in the petition, the council shall pass a by-law constituting the whole or the part of the township described in the petition as a seed-potato restricted area.

(2) The petition shall contain,

Petition,
contents of.

- (a) a detailed description of the boundaries of the proposed restricted area;

(b) the approximate acreage of potatoes grown in the preceding year in the proposed restricted area;

(c) a list of the names and addresses of all growers in the proposed restricted area.

Copy of
by-law to be
sent to
Director.

3. The clerk shall send a certified copy of the by-law to the Director within seven days after it is passed.

Inspectors.

4. Where a by-law under this Act is passed, the council shall appoint one or more inspectors for the restricted area to enforce the provisions of this Act and the regulations.

Restricted
area in
territory
without
municipal
organiza-
tion.

5.—(1) Upon receipt of a petition containing the information required by subsection 2 of section 2 that, in the opinion of the Minister, bears the signatures of more than eighty per centum of all growers in the area defined in the petition where such area is situated in territory without municipal organization, the Lieutenant-Governor in Council may constitute the area described in the petition as a seed-potato restricted area.

Inspectors
in territory
without
municipal
organiza-
tion.

(2) The Minister shall appoint one or more inspectors for the restricted area to enforce the provisions of this Act and the regulations and shall fix the remuneration to be paid to any such inspector.

Power to
enter
premises.

6. In the performance of his duties under this Act and the regulations any inspector may at any time between sunrise and sunset enter any land, building or part of a dwelling house used for storing potatoes in the restricted area.

Seed to be
planted.

7. No grower shall plant within a restricted area any seed-potatoes other than those prescribed by the regulations.

Moving
into area,

8. No person shall move or cause to be moved into a restricted area,

potatoes,

(a) any kind or grade of potatoes without a permit from an inspector; or

containers.

(b) any container which has been used as a container for potatoes or is infected with any potato disease.

New con-
tainers to
be used.

9. All potatoes moved out of a restricted area shall be in new containers.

Potatoes for
industrial
processing,
etc.

10. Potatoes moved into a restricted area for industrial processing or for re-shipment shall be stored in warehouses or other places of storage approved by an inspector as not being a possible source or means of spreading any potato disease.

11. All places of storage, containers, and machinery used for potatoes in a restricted area shall be disinfected at least once each year, and any planting, harvesting or grading equipment used for potatoes shall be disinfected before such equipment is moved from one farm to another within a restricted area. Disinfecting containers, etc.

12. Every inspector shall once each year during the growing season and may at any time inspect the potato fields in his jurisdiction. Inspection of fields.

13. No person shall move or cause to be moved, from one farm to another within a restricted area, any potatoes infected with Bacterial Ring Rot. Moving infected potatoes in area.

14. Every person who contravenes any of the provisions of this Act or the regulations, or hinders or obstructs an inspector in the performance of his duties, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$25 and not more than \$200. Penalty.

15. The Lieutenant-Governor in Council may make regulations, Regulations.

- (a) prescribing the kinds and grades of potatoes which may be planted in a restricted area;
- (b) prescribing the duties of inspectors;
- (c) providing for the making of grants by the Minister out of such moneys as may be appropriated by the Legislature for the purpose of reimbursing any township for any expense it has incurred under this Act;
- (d) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

16. This Act may be cited as *The Seed-potatoes Act, 1950*. Short title.

An Act to provide for the Establishment of
Restricted Areas for Seed-potatoes.

1st Reading

February 17th, 1950

2nd Reading

February 22nd, 1950

3rd Reading

March 3rd, 1950

MR. KENNEDY

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Surveys Act.

MR. SCOTT (Peterborough)

EXPLANATORY NOTE

The original survey of some townships divided them into sections or blocks. Subsection 1 of section 21 of *The Surveys Act* states how the side lines of lots in such townships are to be governed, i.e., by the boundary lines of the sections or blocks.

Subsection 2 provides a different rule for the exceptions. The side lines of lots in the townships named run on established astronomic courses. The Townships of Ashby, Clarendon and Miller were surveyed in a manner that would permit them to be included in subsection 2 of section 21 but inadvertently were not listed. They are therefore added. By adding these names, the side lines of lots in these townships can be established more economically.

BILL

An Act to amend The Surveys Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 21 of *The Surveys Act*, as amended Rev. Stat., c. 232, s. 21, subs. 2, amended. by subsection 1 of section 1 of *The Surveys Amendment Act, 1945*, is further amended by inserting after the word "Abinger" in the thirteenth line the word "Ashby" and by striking out the words "and North Canonto" in the fourteenth and fifteenth lines and inserting in lieu thereof the words "North Canonto, Clarendon and Miller", so that the subsection shall read as follows:

- (2) The side lines between all lots in all townships in the Exceptions. Districts of Muskoka and Parry Sound; all townships in the District of Nipissing which lie south of the Mattawan River and Trout Lake; and the Township of Mattawan in that District; all townships in the provisional County of Haliburton; the Townships of Dalton, Digby and Longford, in the County of Victoria; the Townships of Galway, Cavendish, Anstruther and Chandos in the County of Peterborough; the Townships of Tudor, Grimsthorp, Wollaston, Limerick, Cashel, Faraday, Dungannon, Mayo, Herschell, Monteagle, Carlow, McClure, Wicklow and Bangor, in the County of Hastings; the Townships of Anglesea, Effingham, Abinger, Ashby and Denbigh, in the County of Lennox and Addington; the Townships of Barrie, South Canonto, North Canonto, Clarendon and Miller, in the County of Frontenac, and the Townships of Brougham, Grattan, Wilberforce, Alice, Mattawachan, Griffith, Sebastopol, South Algona, North Algona, Fraser, Richards, Hagarty, Brudenell, Lyndoch, Raglan, Radcliffe, Sherwood, Burns, Jones, Petawawa, McKay, Buchanan, Wylie, Rolph, Head, Maria and Clara, in the County of Renfrew shall be run on the astronomic course stated in the plan and field notes

of the original survey of record in the Department, but nothing in this subsection shall affect the side lines of any lot in any concession in any section or block in which any side line was run before the 1st day of July, 1897.

Short title.

2. This Act may be cited as *The Surveys Amendment Act, 1950*.

An Act to amend The Surveys Act.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. SCOTT (Peterborough)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Surveys Act.

MR. SCOTT (Peterborough)



BILL

An Act to amend The Surveys Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 21 of *The Surveys Act*, as amended Rev. Stat., c. 232, s. 21, subs. 2, amended. by subsection 1 of section 1 of *The Surveys Amendment Act, 1945*, is further amended by inserting after the word "Abinger" in the thirteenth line the word "Ashby" and by striking out the words "and North Canonto" in the fourteenth and fifteenth lines and inserting in lieu thereof the words "North Canonto, Clarendon and Miller", so that the subsection shall read as follows:

- (2) The side lines between all lots in all townships in the Exceptions.
- Districts of Muskoka and Parry Sound; all townships in the District of Nipissing which lie south of the Mattawan River and Trout Lake; and the Township of Mattawan in that District; all townships in the provisional County of Haliburton; the Townships of Dalton, Digby and Longford, in the County of Victoria; the Townships of Galway, Cavendish, Anstruther and Chandos in the County of Peterborough; the Townships of Tudor, Grimsthorp, Wollaston, Limerick, Cashel, Faraday, Dungannon, Mayo, Herschell, Monteagle, Carlow, McClure, Wicklow and Bangor, in the County of Hastings; the Townships of Anglesea, Effingham, Abinger, Ashby and Denbigh, in the County of Lennox and Addington; the Townships of Barrie, South Canonto, North Canonto, Clarendon and Miller, in the County of Frontenac, and the Townships of Brougham, Grattan, Wilberforce, Alice, Mattawachan, Griffith, Sebastopol, South Algona, North Algona, Fraser, Richards, Hagarty, Brudenell, Lyndoch, Raglan, Radcliffe, Sherwood, Burns, Jones, Petawawa, McKay, Buchanan, Wylie, Rolph, Head, Maria and Clara, in the County of Renfrew shall be run on the astronomic course stated in the plan and field notes

of the original survey of record in the Department, but nothing in this subsection shall affect the side lines of any lot in any concession in any section or block in which any side line was run before the 1st day of July, 1897.

Short title. **2.** This Act may be cited as *The Surveys Amendment Act, 1950.*



An Act to amend The Surveys Act.

1st Reading

February 17th, 1950

2nd Reading

February 20th, 1950

3rd Reading

February 24th, 1950

Mr. Scott (Peterborough)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Westerly Limit of Hincks Location in the
Township of Johnson.

MR. SCOTT (Peterborough)

EXPLANATORY NOTE

In order to facilitate the conveyance of lands in this part of Johnson Township it is advisable to definitely establish the westerly limit of "The Hincks Location". This has been in doubt for many years because the first surveyor surveyed and marked on the ground only a small portion of the westerly limit and succeeding surveys have differed as to its true location. The limit as now fixed is for the most part the limit recognized by the owners affected.

BILL

An Act respecting the Westerly Limit of Hincks
Location in the Township of Johnson.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Notwithstanding *The Surveys Act* and to remove doubts it is hereby declared that the westerly boundary of the land known as "The Hincks Location", which was patented on the 17th day of November, 1864, in the name of The Lake Huron Silver and Copper Mining Company, was and always has been the east limit of Blocks O, K, J.S, and M, being part of the Township of Johnson in the District of Algoma as established by Elihu Stewart, P.L.S., in 1877.

Westerly
limit of
Hincks
Location
established.
Rev. Stat.,
c. 232.

2. This Act may be cited as *The Hincks Location Act, 1950*. Short title.

An Act respecting the Westerly Limit of
Hincks Location in the Town-
ship of Johnson.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

Mr. Scott (Peterborough)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting the Westerly Limit of Hincks Location in the
Township of Johnson.

MR. SCOTT (Peterborough)

No. 49

1950

BILL

An Act respecting the Westerly Limit of Hincks
Location in the Township of Johnson.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Notwithstanding *The Surveys Act* and to remove doubts it is hereby declared that the westerly boundary of the land known as "The Hincks Location", which was patented on the 17th day of November, 1864, in the name of The Lake Huron Silver and Copper Mining Company, was and always has been the east limit of Blocks O, K, J.S, and M, being part of the Township of Johnson in the District of Algoma as established by Elihu Stewart, P.L.S., in 1877. Westerly
limit of
Hincks
Location
established.
Rev. Stat.,
c. 232.

2. This Act may be cited as *The Hincks Location Act, 1950*. Short title.

An Act respecting the Westerly Limit of
Hincks Location in the Town-
ship of Johnson.

1st Reading

February 17th, 1950

2nd Reading

February 20th, 1950

3rd Reading

February 24th, 1950

Mr. Scott (Peterborough)

No. 50

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting Equal Pay for Equal Work.

MR. PARK

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The general purpose of this Bill is to prevent employers from paying women employees lower wage rates than are paid to men for the same type of work.

SECTION 1. Self-explanatory.

SECTION 2. Prohibits discrimination in wage rates between men and women doing comparable work.

SECTION 3. An employer violating the provision of section 2 is liable in the amount of unpaid wages plus an additional equal amount in liquidated damages.

SECTIONS 4, 5, 6, 7 and 8. Self-explanatory.

No. 50

1950

BILL

An Act respecting Equal Pay for Equal Work.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Board" means the Industry and Labour Board constituted under *The Department of Labour Act*, Rev. Stat., c. 69.
- (b) "employee" means any person employed for hire by an employer in any lawful employment;
- (c) "employer" includes any person or corporation acting in the interest of an employer directly or indirectly and includes the Crown in right of the Province of Ontario or any emanation thereof;
- (d) "employ" means engage, suffer or permit to work.

2. No employer shall discriminate in any way in the payment of wages or salaries as between sexes or pay any female in his employ a salary or wage rate less than the rate paid to male employees for work of comparative character or work on comparable operations, or where comparable skills are involved. Employer not to discriminate.

3. Any employer who violates the provisions of section 2 of this Act shall be liable to the employee or employees affected in the amount of their unpaid wages and in an additional equal amount in liquidated damages. Liability of employer.

4. Upon the complaint upon oath of an employee against his employer concerning any violation of this Act, a justice of the peace may summon the employer to appear before a magistrate at a time to be stated in the summons and the magistrate shall examine into the matter of the complaint, and shall order payment to the employee of any wages and liquidated damages found to be due under section 3 hereof together with costs in his discretion not exceeding \$50. Complaint by employee.

Where
complaints
may be
prosecuted.

5. A complaint may be prosecuted and determined in any county or district in which the employer is found or in any county or district in which the employer carries on business.

Time within
which pro-
ceedings
may be
taken.

6. Any proceedings taken under this Act shall be within one year after the engagement or employment has ceased or within one year after the last instalment of wages under the agreement of hiring has become due, whichever shall last happen.

Application
of R.S.C.,
c. 146.

7. Where an order is made under this Act by a magistrate for payment of money such order may be proceeded upon and enforced in the manner provided by section 739 of the *Criminal Code* and the said section shall apply as if the provisions thereof were enacted in and formed part of this Act.

Appeal.

8. An appeal from an order for payment of wages or damages or against any decision of a magistrate under this Act except an order as to costs shall lie to the Court of Appeal for Ontario and the proceedings upon and incidental to the appeal and subsequent thereto shall be the same as nearly as may be as in the case of an appeal from a judgment from a county court.

Records.

9. Every employer shall, on demand of the Board or the chairman or of any person authorized in writing by the Board or by the chairman, produce for inspection all records kept by him relating to the wages paid to any person employed by him.

Offence and
penalty.

10. An employer who violates any provisions of this Act or who discharges or in any other manner discriminates against any employee because such employee has made a complaint to his employer or instituted or caused to be instituted any proceedings under or related to this Act or has testified or is about to testify in any such proceedings shall upon conviction thereof be liable to a fine of not more than \$500 or to imprisonment for not more than six months or to both fine and imprisonment.

Commence-
ment of Act.

11. This Act shall come into force six months after the day it receives the Royal Assent.

Short title.

12. This Act may be cited as *The Equal Pay for Equal Work Act, 1950*.

SECTION 9. Records must be produced for inspection on demand of the Industry and Labour Board.

SECTION 10. Penalty for intimidation.

SECTION 11. A period of six months is provided for before the Act comes into effect, in order to give employers time to make the necessary adjustments in women's wage schedules.



The Equal Pay for Equal Work Act, 1950.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. PARK

No. 51

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

Act to amend The Hours of Work and Vacations with Pay Act, 1944.

MR. THORNBERRY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Maximum weekly hours of work are reduced to forty.

SECTION 2. A new section is added which

- (1) limits overtime to eight hours in a week and one hundred in a year;
- (2) requires payment at the rate of time and one-half for overtime;
- (3) provides that any reduction in hours of work effected by the Act shall not reduce the weekly pay;
- (4) protects contracts more favourable to the employee than the provisions of the Act;
- (5) suspends contractual provisions less favourable to the employee than the provisions of the Act.

No. 51

1950

BILL

An Act to amend The Hours of Work and Vacations with Pay Act, 1944.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subsection 1 of section 2 of *The Hours of Work and Vacations with Pay Act, 1944* is amended by striking out the word "forty-eight" in the third line and inserting in lieu thereof the word "forty". 1944, c. 26, s. 2, subs. 1, amended.

2. *The Hours of Work and Vacations with Pay Act, 1944* is amended by adding thereto the following section: 1944, c. 26, amended.

2a.—(1) No overtime shall be worked by an employee which shall exceed eight hours in any one week or one hundred hours in any year of employment. Limitation of overtime worked.

(2) If any overtime is worked by any employee in excess of the working hours established by subsection 1 of section 2, such employee shall receive compensation at a rate not less than one and one-half times the regular rate at which he is employed. Overtime payment.

(3) Every employer shall increase the rate of compensation of his employees so that the total weekly rate of each employee for the reduced working week shall be not less than the total weekly rate paid at the time of such reduction. Same take-home pay.

(4) Nothing in this Act shall affect any provision of any Act, agreement or contract of service or any custom which ensures to employees more favourable conditions than those prescribed by this Act. More favourable conditions.

(5) Any provision in any Act, agreement or contract of service or any custom which is less favourable to employees than the provisions of this Act, shall be suspended by this Act. Less favourable conditions.

1944, c. 26,
ss. 5, 12,
repealed.

3. Sections 5 and 12 of *The Hours of Work and Vacations with Pay Act, 1944* are repealed.

1944, c. 26,
s. 10, cl. b,
re-enacted.

4. Clause *b* of section 10 of *The Hours of Work and Vacations with Pay Act, 1944* is repealed and the following substituted therefor:

- (b) exempting from the provisions or any provision of this Act upon such terms and conditions as the Board may determine any of the employers or employees of any particular plant, upon application of the said employers or of any representative of employees for collective bargaining purposes after notice to the employer or representatives of the employees affected by such proposed exemption.

Short title.

5. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1950*.

SECTION 3. Sections 5 and 12 of the Act are repealed.

~~Section 5~~ makes special provision for war industries, and is now deemed to be obsolete.

Section 12 deals with conflict between the Act and other Acts. The question is more fully dealt with in the new Section 2*a*.

SECTION 4. Clause *b* of section 10 is re-enacted to provide that when any exemption is applied for both the employer and representatives of the employees must be notified.

BILL

An Act to amend The Hours of Work and
Vacations with Pay Act, 1944.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. THORNBERY

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Marriage Act.

MR. TEMPLE

EXPLANATORY NOTE

The purpose of this Bill is to require both parties to an intended marriage to have a blood test taken in order to determine the presence of syphilis and the result of the tests made with respect to each of the parties must be made known to both of them.

BILL

An Act to amend The Marriage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Marriage Act* is amended by adding thereto the following section: Rev. Stat.,
c. 207,
amended.

22a.—(1) No marriage license or certificate in lieu of marriage license shall be issued and no marriage shall be solemnized under the authority of any proclamation of intention to intermarry unless the persons intending to intermarry have produced a certificate in respect to each such person certifying,— Blood test
before
marriage.

(a) that a specimen of blood taken from such person not more than twenty days before,

(i) the issue of the license or certificate, or

(ii) the solemnization of the marriage where the intention of the persons to marry has been published as provided by subsection 2 of section 4,

has been submitted to a standard laboratory test for syphilis in a laboratory approved by the Minister of Health; and

(b) that the result of such test as indicated in a certificate signed or purporting to be signed by the director of such laboratory has been made known to both parties to the intended marriage.

(2) Any person who violates any of the provisions of this section shall on summary conviction be liable to a penalty of not less than \$20 and not more than \$100. Penalty.

(3) Notwithstanding the provisions of subsection 1, the Provincial Secretary where,— Exception
in case of
extreme
urgency.

(a) the approval in writing of the Minister of Health has been secured; and

(b) each of the parties to the intended marriage has submitted a statutory declaration that to the best of his knowledge and belief he is free from syphilis,

may authorize the issuance of a marriage certificate.

Rev. Stat.,
c. 207, s. 25,
cl. b (1947,
c. 62, s. 2),
amended.

2. Clause *b* of section 25 of *The Marriage Act*, as re-enacted by section 2 of *The Marriage Amendment Act, 1947*, is amended by inserting after the figures "22" in the fifth line the words, figures and letter "the certificates required by section 22a", so that the clause shall read as follows:

to Registrar-
General.

(b) forward the consent verified by affidavit and any other evidence obtained pursuant to the provisions of section 17 and the birth certificate or affidavit required by subsection 5 of section 22, the certificates required by section 22a, and any further evidence obtained under the provisions of section 24, to the Registrar-General.

Rev. Stat.,
c. 207, s. 34,
subs. 1,
amended.

3.—(1) Subsection 1 of section 34 of *The Marriage Act*, as amended by section 2 of *The Marriage Amendment Act, 1949*, is further amended by inserting after the word, figure and letter "Form 4A" in the fourth line the words, figures and letter "or in any certificate required by section 22a", so that the subsection shall read as follows:

Penalty
for making
false
statement.

(1) Any person who knowingly makes any false statement of fact in any affidavit made under the provisions of this Act or in or touching the particulars mentioned in Form 4 or Form 4A, or in any certificate required by section 22a, in addition to any other penalty or punishment which he may be liable to incur, shall, on summary conviction, be liable to a penalty of not less than \$20 and not more than \$200.

Rev. Stat.,
c. 207, s. 34,
amended.

(2) The said section 34 is further amended by adding thereto the following subsection:

Penalty for
impersona-
tion.

(1a) Any person who impersonates any other person for the purposes of obtaining a certificate required by section 22a shall, on summary conviction, be liable to a penalty of not less than \$20 and not more than \$100.

Short title.

4. This Act may be cited as *The Marriage Amendment Act, 1950*.

An Act to amend The Marriage Act.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. TEMPLE

No. 53

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

an Act to amend The Hours of Work and Vacations with Pay Act, 1944.

MR. FELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of this Bill is to provide for two week's vacation with pay, and to clarify some of the present provisions with regard to vacations with pay.

BILL

An Act to amend The Hours of Work and Vacations with Pay Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 and subsections 3 and 4, as enacted by ^{1944,} section 1 of *The Hours of Work and Vacations with Pay* ^{c. 26, s. 2,} *Amendment Act, 1947*, of section 2 of *The Hours of Work and* ^{subs. 2,} *Vacations with Pay Act, 1944* ^{subss. 3, 4} ^{(1947,} are repealed and the following ^{c. 47, s. 1),} ^{re-enacted.} substituted therefor:
 - (2) Subject to the provisions of this Act, every employee ^{Vacations.} in an industrial undertaking shall be given a vacation with pay of at least two weeks after every working year of his employment.
 - (3) The employer may determine the period when each ^{Employer} employee may take the vacation provided for in ^{may deter-} subsection 2, subject to negotiation in good faith ^{mine period} with the appropriate collective bargaining agency ^{of vacation.} regarding the vacation period of such employee as may be covered by the terms of a collective ^{Saving.} bargaining agreement, but such period shall not be later than ten months after the conclusion of the working year.
 - (4) The amount of pay for the vacation given to an ^{Amount of} employee in respect of each working year under ^{pay for} subsection 2 shall not be less than an amount equal ^{vacation.} to four per centum of the total earnings of the employee entered in the working year including, but not so as to restrict the generality of the foregoing, payment for vacations, statutory holidays and the like.

2. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1950*. ^{Short title.}

BILL

An Act to amend The Hours of Work and
Vacations with Pay Act, 1944.

1st Reading

February 17th, 1950

2nd Reading

3rd Reading

MR. FELL

No. 54

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting Fair Employment Practices.

MR. SALSBERG

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 54

1950

BILL

An Act respecting Fair Employment Practices.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

(a) "Board" means Ontario Labour Relations Board;

(b) "employer" includes any agent of an employer but does not include any social, fraternal, charitable, educational or religious organization that is not operated for private profit; and

(c) "employment agency" includes any person undertaking to procure employees or opportunities to work.

2.—(1) No employer shall,

Unfair em-
ployment
practices.

(a) refuse to employ any person;

(b) bar or discharge any person from employment; or

(c) discriminate in any way against any person in connection with his employment,

because of his race, colour, religious creed, national origin, or ancestry.

(2) No employer shall,

Idem.

(a) print or circulate or cause to be printed or circulated any statement, advertisement or publication;

(b) use any form of application for employment; or

(c) make any inquiry in connection with prospective employment,

which expresses, directly or indirectly, any limitation, specification or discrimination as to race, colour, religious creed, national origin, or ancestry, or which indicates any intention to make any such limitation, specification or discrimination.

Idem.

(3) No employer shall bar or discharge any person from employment or discriminate in any way against any person in connection with his employment for having opposed or for opposing employment practices prohibited by this Act or for making any complaint, testifying or assisting in any proceeding under this Act.

Aiding,
abetting,
et.

3. No person shall aid, abet, incite, coerce or compel the doing of any act prohibited by this Act, or make any attempt to do so.

Offences.

4. Every person who contravenes any of the provisions of this Act shall be guilty of an offence and shall on summary conviction be liable to a penalty, for a first offence, of not less than \$25 and not more than \$100, and for any subsequent offence, of not less than \$100 and not more than \$500 or to imprisonment for not more than one year or to both.

Power to
order rein-
statement.

5.—(1) If in any proceeding under section 4 it is found that any employee or prospective employee has been discriminated against contrary to this Act, an order may be made requiring the employer to place the employee or prospective employee in the condition that he would have been in had he not been so discriminated against.

Offence.

(2) Failure to carry out any order under this section shall be deemed to be a contravention of this Act.

Duty of
Board.

6. It shall be the duty of the Board to make such inquiries, hold such investigations and do such other acts and things as may be necessary to ensure that the provisions of this Act are complied with.

Short title.

7. This Act may be cited as *The Fair Employment Practices Act, 1950*.

An Act respecting Fair Employment
Practices.

1st Reading

February 20th, 1950

2nd Reading

3rd Reading

MR. SALSBERG

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Election Act.

MR. MACLEOD

No. 55

1950

BILL

An Act to amend The Election Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of paragraph 1 of section 18 of *The Election Act* is amended by striking out the word "twenty-one" and inserting in lieu thereof the word "eighteen", so that the clause shall read as follows: Rev. Stat., c. 8, s. 18, par. 1, cl. *a*, amended.

(*a*) is of the full age of eighteen years.

(2) Clause *a* of paragraph 3 of the said section 18 is amended by striking out the word "twenty-one" and inserting in lieu thereof the word "eighteen", so that the clause shall read as follows: Rev. Stat., c. 8, s. 18, par. 3, cl. *a*, amended.

(*a*) is of the full age of eighteen years.

2. This Act may be cited as *The Election Amendment Act*, Short title. 1950.

An Act to amend The Election Act.

1st Reading

February 20th, 1950

2nd Reading

3rd Reading

MR. MACLEOD

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting Fair Employment Practices.

MR. WALTERS

Right to freedom from discrimination in employment established.

3. The right to freedom from discrimination in employment because of race, colour, creed, religion, ethnic or national origin or ancestry is hereby declared to be a civil right and privilege of every person in respect of his employment or prospect of employment in Ontario.

Employers not to discriminate.

4. No employer shall discriminate against any individual or group in respect of terms, conditions or privileges of employment, or discharge or refuse to employ any individual or group because of race, colour, creed, religion, ethnic or national origin or ancestry.

Applications, etc., for employment.

5. No employer or other person shall print, disseminate, circulate or use or cause to be printed, disseminated, circulated or used any statement, whether oral or in any other form, any advertisement or publication respecting employment or any form of application for employment which expresses, directly or indirectly, any limitation, specification or preference as to race, colour, creed, religion, ethnic or national origin or ancestry, or make any inquiry or record in connection with employment or application therefor as to race, colour, creed, religion, ethnic or national origin or ancestry.

Membership in labour organizations.

6. No labour organization shall exclude from full membership rights or expel or suspend any individual or member or group or discriminate against any individual or member or group or any employee because of race, colour, creed, religion, ethnic or national origin or ancestry.

No discrimination for opposition to unfair practices.

7. No employer or labour organization shall discharge, expel, refuse to employ or otherwise discriminate against any individual because he has opposed any of the practices prohibited in this Act or because he has initiated or participated in any proceeding relating to a violation of this Act.

Aiding, obstructing, etc.

8. No person shall aid, abet, encourage or incite the commission of anything prohibited in this Act, or attempt to do so, or obstruct or attempt to prevent any other person from complying with the provisions of this Act.

Procedure on complaints.

9.—(1) Any person aggrieved by a violation of any of the provisions of this Act may file a complaint in writing with the Board, and the Board may make an investigation into the violation and may give leave to the complainant to apply to a judge of the Supreme Court by originating notice for the recovery of the penalties imposed by this Act, and upon every such application the rules of practice of the Supreme Court shall apply.

Idem.

(2) The Board may of its own motion make an investigation to determine whether there has been a violation of this

SECTION 3. Establishes the right to freedom from discrimination in employment as a civil right.

SECTION 4. Prohibits discrimination in employment.

SECTION 5. Prohibits the use of advertisements, application forms, etc., which may indicate any intention to discriminate.

SECTION 6. Prohibits discrimination by labor organizations.

SECTION 7. Prohibits discrimination against any person because of any proceeding taken under the Act.

SECTION 8. Prohibits any person being an accessory to a violation of the Act.

SECTION 9. Provides for enforcement.

SECTION 10. Provides for injunctions against continuing violations

SECTION 11. Enforcement of orders.

SECTION 12. Provides for co-operation with voluntary agencies or associations in studying problems of discrimination, fostering goodwill between various groups and developing educational programmes.

SECTION 13. Provides for an annual report.

Act, and may give to any person, association or corporation leave to apply to a judge of the Supreme Court by originating notice for the recovery of the penalties imposed by this Act, and upon every such application the rules of practice of the Supreme Court shall apply.

(3) In any investigation under subsection 1 or 2 the Board may exercise any of the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Investigatory powers of Board.

(4) The Board may, subject to the approval of the Lieutenant-Governor in Council, make such regulations as may be necessary to enable it to discharge its duties under this Act. Regulations.

(5) The Board may delegate to any one of its members all or any part of its jurisdiction under this Act, and may revoke any such delegation. Delegation of powers.

(6) Every person who violates any of the provisions of this Act shall be liable to a penalty of not more than \$200 for a first offence and not more than \$500 for a second or subsequent offence, and such penalties shall be paid to the Treasurer of Ontario. Penalties.

10. Any person aggrieved by a violation of any of the provisions of this Act may apply to the Supreme Court by originating notice for an order enjoining the continuance of such violation, and upon such application the rules of practice of the Supreme Court shall apply. Injunction proceedings.

11. Any order made under section 9 or 10 may be enforced in the same manner as any other order or judgment of the Supreme Court. Enforcement of orders.

12. The Board may co-operate with voluntary agencies or associations, local, regional or province-wide, in such activities as will in the judgment of the Board aid in preventing or lessening racial or religious discrimination, and without derogating from the generality of the foregoing the Board may co-operate with such voluntary agencies or associations to study general problems of discrimination or specific instances of discrimination, to foster through community effort or otherwise good-will, co-operation and conciliation between groups and elements of the population of the province and to develop proposals and programmes of an educational nature designed to lessen or prevent racial or religious discrimination or prejudice. Anti-discrimination programmes.

13.—(1) The Board shall, on or before a date to be named by the Lieutenant-Governor in Council in each year, make a report to the Lieutenant-Governor of its activities under this Annual reports.

Act, during the previous year and such report shall contain such particulars as the Lieutenant-Governor in Council may prescribe.

Reports to
be tabled
in House.

(2) Every such report shall be laid forthwith before the Assembly if it is in session and if it is not, then within fifteen days after the opening of the next session.

Commence-
ment of Act.

14. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

15. This Act may be cited as *The Fair Employment Practices Act, 1950*.

BILL

An Act respecting Fair Employment Practices.

1st Reading

February 20th, 1950

2nd Reading

3rd Reading

MR. WALTERS

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Liquor Licence Act, 1946.

MR. MILLARD

EXPLANATORY NOTES

SECTION 1. *The Liquor Licence Act, 1946* provides that no stores shall be established and no premises licensed in so-called "local option areas" until an affirmative vote has been registered as provided in section 69. There are many municipalities, however, in which no local option by-law was previously in force, but in which no facilities for the sale of liquor have existed. The purpose of this Bill is to provide that no liquor, beer or wine store shall be established in such a municipality unless the people living there vote for it. They are already protected against the establishment of licensed premises by section 23 of this Act.

SECTION 2. The amendment is necessary to provide for the taking of the vote contemplated in the new subsection which is added to section 68.

BILL

An Act to amend The Liquor Licence Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 68 of *The Liquor Licence Act, 1946* is amended ^{1946, c. 47, s. 68, amended.} by adding thereto the following subsection:

- (2) Except as provided by this Act and the regulations, ^{Idem.} no government store for the sale of liquor and no store for the sale of beer only shall be established and no Ontario wine store shall be authorized in any municipality where no such store is at the time in operation until a vote has been taken in the manner provided in section 69.

2. Subsection 1 of section 69 of *The Liquor Licence Act, 1946*, ^{1946, c. 47, s. 69, subs. 1, amended.} is amended by inserting after the word "force" in the second line the words "or in which a government store for the sale of liquor or a store for the sale of beer only or an Ontario wine store is not at the time in operation", so that the subsection, exclusive of the questions, shall read as follows:

- (1) The council of any municipality in which a by-law ^{Submission of question.} mentioned in section 68 is in force or in which a government store for the sale of liquor or a store for the sale of beer only or an Ontario wine store is not at the time in operation may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, any of the following questions:

.

3. This Act may be cited as *The Liquor Licence Amendment Act, 1950*. Short title.

An Act to amend The Liquor Licence Act,
1946.

1st Reading

February 20th, 1950

2nd Reading

3rd Reading

MR. MILLARD

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Minimum Wage Act.

MR. MACLEOD

No. 58

1950

BILL

An Act to amend The Minimum Wage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Minimum Wage Act*, as enacted by Rev. Stat., c. 190, s. 4, section 14 of *The Statute Law Amendment Act, 1947*, is repealed (1947, c. 101, s. 14), and the following substituted therefor: re-enacted.

4.—(1) It shall be unlawful for any employer to pay any Minimum rate of pay. of his employees, with the exception of an apprentice as defined by *The Apprenticeship Act*, less than 75 Rev. Stat., c. 192. cents per hour.

(2) Where there is any conflict between the provisions of subsection 1 and any regulation or order under this Act and the provisions of any other Act of this Legislature and any regulation made thereunder, the provisions of subsection 1 shall supersede and apply. Conflict with other Acts and regulations.

(3) The provisions of *The Hours of Work and Vacations with Pay Act, 1944* shall apply in respect to the Maximum hours of work. maximum number of hours that an employee may work.

2. This Act may be cited as *The Minimum Wage Amendment Act, 1950*. Short title.

An Act to amend The Minimum Wage Act.

1st Reading

February 20th, 1950

2nd Reading

3rd Reading

MR. MACLEOD

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Hours of Work and Vacations with Pay Act, 1944.

MR. SALSBERG

No. 59

1950

BILL

An Act to amend The Hours of Work and
and Vacations with Pay Act, 1944.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 1 of *The Hours of Work and Vacations with Pay Act, 1944* is amended by adding thereto the following clause: ^{1944, c. 26, s. 1, amended.}

- (f) "wage rates" or "wage rate" shall mean the basis of ^{"wage rates";} the calculation of the wages paid to an employee ^{"wage rate".} whether such basis of calculation is with reference to the period of time worked or on a piece work basis or as a commission on volume or value of results or on any incentive or other basis or any combination thereof.

2. Section 2 of *The Hours of Work and Vacations with Pay Act, 1944*, as amended by section 1 of *The Hours of Work and Vacations with Pay Amendment Act, 1947*, is repealed ^{1944, c. 26, s. 2, re-enacted.} and the following substituted therefor:

- 2.—(1) Subject to the provisions of this Act, the working hours of an employee in any industrial undertaking ^{Limitations of hours of work.} shall not exceed eight in any one day and forty in any one week and every employer shall establish such working hours in his industrial undertaking.
- (2) Every employer establishing a working week of forty hours, who prior to the coming into force of this Act had in effect in his industrial undertaking a regular working week in excess of forty hours, shall, upon the establishment of a working week of forty hours, pay such wage rates as will give each employee at least the equivalent weekly earnings for a working week of forty hours as he received previously for a working week in excess of forty hours. ^{Same take-home pay.}

Overtime
payment.

- (3) Any work performed by an employee in excess of eight hours in any one day shall be paid for by his employer at the overtime rate of not less than time and one-half the regular rate paid such employee.

1944,
c. 26, s. 10,
amended.

3. Section 10 of *The Hours of Work and Vacations with Pay Act, 1944*, as amended by section 1 of *The Hours of Work and Vacations with Pay Amendment Act, 1946* and section 2 of *The Hours of Work and Vacations with Pay Amendment Act, 1947*, is further amended by adding thereto the following clause:

- (g) prescribing the compensation which shall be payable by employers to their employees for the purpose of ensuring that there is no reduction in earnings because of the limitation of hours of work as provided by this Act.

Short title.

4. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1950*.

An Act to amend The Hours of Work and
Vacations with Pay Act, 1944.

1st Reading

February 20th, 1950

2nd Reading

3rd Reading

MR. SALSBERG

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Workmen's Compensation Act.

MR. ISLEY

EXPLANATORY NOTES

SECTION 1. Provides that any workman who is exposed to silica dust must be given an annual X-ray examination, and where any degree of lung injury is discovered, the examination thereafter must be every two months.

SECTION 2. Gives added protection to victims of silicosis by providing for compensation where other disabling conditions develop.

No. 60

1950

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 50 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: Rev. Stat., c. 204, s. 50, amended.

- (13) Every workman who in the course of his employment is exposed to the danger of inhalation of silica dust shall be given an X-ray examination of his lungs at least once in each year of such employment, and where such examination reveals any degree of injury to a lung he shall be given such examination at least once in every two months thereafter, and the provisions of this section with respect to medical aid shall apply *mutatis mutandis*. X-ray examination for silicosis.

2. Section 115 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: Rev. Stat., c. 204, s. 115, amended.

- (9) Notwithstanding anything in this Act, where any workman has been exposed to the danger of inhalation of silica dust and is found to have contracted any condition which could be attributed to silicosis and suffers any disability therefrom, such disability for purposes of compensation shall be deemed to be due to silicosis, and any chronic lung disease contracted by such workman at any time thereafter shall be deemed to be an industrial disease arising out of and in the course of his employment at the time such condition was contracted. When disability deemed due to silicosis.

3. This Act may be cited as *The Workmen's Compensation Amendment Act, 1950*.

An Act to amend The Workmen's
Compensation Act.

1st Reading

February 20th, 1950

2nd Reading

3rd Reading

MR. ISLEY

No. 61

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Public Schools Act.

MR. MACLEOD

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

THE UNIVERSITY OF CHICAGO
LIBRARY

THE UNIVERSITY OF CHICAGO
LIBRARY

No. 61

1950

BILL

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 89 of *The Public Schools Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 357, s. 89,
amended.

(dd) to provide milk for children of school age.

2. This Act may be cited as *The Public Schools Amendment Act, 1950*. Short title.

An Act to amend The Public Schools Act.

1st Reading

February 20th, 1950

2nd Reading

3rd Reading

MR. MACLEOD

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Hours of Work and Vacations with Pay Act, 1944.

MR. SALSBERG



No. 62

1950

BILL

An Act to amend the Hours of Work and
Vacations with Pay Act, 1944.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subsection 2 of section 2 of *The Hours of Work and Vacations with Pay Act, 1944* is repealed and the following substituted therefor: 1944,
c. 26, s. 2,
subs. 2,
re-enacted.

(2) Subject to the provisions of this Act, every employee Vacations.
in an industrial undertaking shall be given a vacation of at least two weeks with pay during every working year of his employment.

2. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1950*. Short title.

An Act to amend The Hours of Work and
Vacations with Pay Act, 1944.

1st Reading

February 20th, 1950

2nd Reading

3rd Reading

MR. SALSBERG

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Housing Development Act, 1948.

MR. GRIESINGER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The new section 5a of the Act complements recent amendments to *The National Housing Act* (Canada) which permit federal and provincial authorities joining in projects for the acquisition and development of land for housing purposes and the construction of houses for sale or for rent under arrangements by which costs, profits and losses will be shared seventy-five per cent federally and twenty-five per cent provincially. Provision is also made to permit municipalities to contribute to the provincial share of the cost and to participate in implementing such joint projects.

The new section 8a will enable Housing Corporation Limited to finance its affairs by bond issues, etc., which it cannot do now. It also will enable the Province to participate in the financing of the Corporation.

No. 63

1950

BILL

An Act to amend The Housing Development Act, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Housing Development Act, 1948* is amended by adding thereto the following sections: 1948, c. 44,
amended.

- 5a.—(1) The Crown in right of Ontario represented by the Minister of Planning and Development may make agreements with the Crown in right of Canada represented by the Minister of Resources and Development or such other Minister as may be authorized in that behalf, respecting joint projects for the acquisition and development of land for housing purposes and for the construction of houses for sale or for rent as contemplated in section 35 of *The National Housing Act, 1944* (Canada). Joint
housing
projects
authorized.

1944-45,
c. 46, s. 35
(1949, c. 30,
s. 9) (Can.).
- (2) The Lieutenant-Governor in Council may constitute bodies corporate and politic with such powers and duties as may be deemed expedient to carry out any of the terms of any agreement made under subsection 1, including power to plan, construct and manage any joint housing project undertaken under any such agreement and including power to acquire and dispose of land in its own name. Management
corpora-
tions.
- (3) Any moneys required to be furnished by the Crown in right of Ontario under any agreement made under subsection 1 shall be paid out of the Consolidated Revenue Fund. Provincial
share of cost.
- (4) Any municipal corporation in or near which any joint housing project is undertaken may contribute to any moneys required to be furnished by the Crown in right of Ontario under any agreement made under subsection 1, and any such municipal corpora- Municipal
contribu-
tions.

tion may, without the assent of the electors but subject to the approval of the Ontario Municipal Board, raise money therefor by the issue of debentures.

Payment for
lost taxes.

- (5) The Crown in right of Ontario may pay annually to any municipality in which any joint housing project is undertaken a sum of money not in excess of an amount that in the opinion of the Minister of Municipal Affairs is equivalent to the sum of money that would have been paid to the municipality as taxes on lands acquired for any such project.

Power to
expedite
develop-
ment of
projects.

- (6) Notwithstanding any other Act, the Lieutenant-Governor in Council may authorize any municipality in or near which any joint housing project is undertaken to do or not to do such acts or things as may be deemed expedient in order to avoid undue delay in the development of any such project, including the furnishing of municipal services.

.

Housing
Corporation
Ltd., power
to issue
bonds, etc.

Rev. Stat.,
c. 251.

- 8a.—(1) Notwithstanding subsection 2 of section 2 of *The Companies Act*, Housing Corporation Limited, being a corporation incorporated by letters patent dated the 29th day of April, 1948, for the purpose and objects of lending and investing money on mortgage of real estate, may issue bonds, debentures or debenture stock.

Provincial
guarantee,
etc.

- (2) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to purchase or to guarantee the payment of any notes, bonds, debentures or debenture stock issued by Housing Corporation Limited.

Commence-
ment of Act.

2. This Act shall come into force on the day it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Housing Development Amendment Act, 1950*.

An Act to amend The Housing
Development Act, 1948.

1st Reading

February 21st, 1950

2nd Reading

3rd Reading

MR. GRIESINGER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Housing Development Act, 1948.

MR. GRIESINGER

No. 63

1950

BILL

An Act to amend The Housing Development Act, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Housing Development Act, 1948* is amended by 1948, c. 44, amended. adding thereto the following sections:

- 5a.—(1) The Crown in right of Ontario represented by the Minister of Planning and Development may make agreements with the Crown in right of Canada represented by the Minister of Resources and Development or such other Minister as may be authorized in that behalf, respecting joint projects for the acquisition and development of land for housing purposes and for the construction of houses for sale or for rent as contemplated in section 35 of *The National Housing Act, 1944* (Canada). Joint housing projects authorized. 1944-45, c. 46, s. 35 (1949, c. 30, s. 9) (Can.).
- (2) The Lieutenant-Governor in Council may constitute bodies corporate and politic with such powers and duties as may be deemed expedient to carry out any of the terms of any agreement made under subsection 1, including power to plan, construct and manage any joint housing project undertaken under any such agreement and including power to acquire and dispose of land in its own name. Management corporations.
- (3) Any moneys required to be furnished by the Crown in right of Ontario under any agreement made under subsection 1 shall be paid out of the Consolidated Revenue Fund. Provincial share of cost.
- (4) Any municipal corporation in or near which any joint housing project is undertaken may contribute to any moneys required to be furnished by the Crown in right of Ontario under any agreement made under subsection 1, and any such municipal corpora- Municipal contributions.

tion may, without the assent of the electors but subject to the approval of the Ontario Municipal Board, raise money therefor by the issue of debentures.

Payment for
lost taxes.

- (5) The Crown in right of Ontario may pay annually to any municipality in which any joint housing project is undertaken a sum of money not in excess of an amount that in the opinion of the Minister of Municipal Affairs is equivalent to the sum of money that would have been paid to the municipality as taxes on lands acquired for any such project.

Power to
expedite
develop-
ment of
projects.

- (6) Notwithstanding any other Act, the Lieutenant-Governor in Council may authorize any municipality in or near which any joint housing project is undertaken to do or not to do such acts or things as may be deemed expedient in order to avoid undue delay in the development of any such project, including the furnishing of municipal services.

.

Housing
Corporation
Ltd., power
to issue
bonds, etc.

Rev. Stat.,
c. 251.

- 8a.—(1) Notwithstanding subsection 2 of section 2 of *The Companies Act*, Housing Corporation Limited, being a corporation incorporated by letters patent dated the 29th day of April, 1948, for the purpose and objects of lending and investing money on mortgage of real estate, may issue bonds, debentures or debenture stock.

Provincial
guarantee,
etc.

- (2) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to purchase or to guarantee the payment of any notes, bonds, debentures or debenture stock issued by Housing Corporation Limited.

Commence-
ment of Act.

2. This Act shall come into force on the day it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Housing Development Amendment Act, 1950*.

An Act to amend The Housing
Development Act, 1948.

1st Reading

February 21st, 1950

2nd Reading

February 27th, 1950

3rd Reading

March 8th, 1950

MR. GRIESINGER

No. 64

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Public Officers' Fees Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The amount the Crown attorneys may retain for their own use from the net income of the office is increased from \$4,000 to \$6,000.

SECTION 2. The amount that division court clerks and division court bailiffs may retain for their own use from their gross fees and emoluments is increased from \$4,000 to \$6,000 and the percentages of the gross fees and emoluments that they must pay to the Provincial Treasurer are made similar.

No. 64

1950

BILL

An Act to amend The Public Officers' Fees Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Public Officers' Fees Act* is amended by Rev. Stat., c. 18, s. 5, amended. striking out the symbol and figures "\$4,000" in the fourth line and inserting in lieu thereof the symbol and figures "\$6,000", so that the section shall read as follows:

5. Every Crown attorney, whether he is or is not the clerk Crown attorney. of the peace, and every clerk of the peace, shall be entitled to retain to his own use in each year his net income up to \$6,000, but shall pay to the Treasurer of Ontario fifty per centum of the excess over that sum.

2. Section 8 of *The Public Officers' Fees Act*, as amended Rev. Stat., c. 18, s. 8, re-enacted. by section 31 of *The Statute Law Amendment Act, 1942* and section 1 of *The Public Officers' Fees Amendment Act, 1946*, is repealed and the following substituted therefor:

8.—(1) Every division court clerk and every division court bailiff shall be entitled to retain to his own use Division court clerks and bailiffs. in each year all the gross fees and emoluments earned by him in that year up to \$6,000.

(2) Of all the gross fees and emoluments earned by any Idem. division court clerk or division court bailiff in each year he shall pay to the Treasurer of Ontario the following percentages:

(a) on the excess over \$4,000 up to \$10,000, ten per centum thereof;

(b) on the excess over \$10,000, twenty per centum thereof.

3. This Act shall be deemed to have come into force on the Effective date. 1st day of January, 1950.

4. This Act may be cited as *The Public Officers' Fees Amendment Act, 1950*. Short title.

An Act to amend 'The Public Officers'
Fees Act.

1st Reading

February 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 64

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Public Officers' Fees Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1711

THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION

1911

No. 64

1950

BILL

An Act to amend The Public Officers' Fees Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Public Officers' Fees Act* is amended by striking out the symbol and figures "\$4,000" in the fourth line and inserting in lieu thereof the symbol and figures "\$6,000", so that the section shall read as follows: Rev. Stat., c. 18, s. 5, amended.

5. Every Crown attorney, whether he is or is not the clerk of the peace, and every clerk of the peace, shall be entitled to retain to his own use in each year his net income up to \$6,000, but shall pay to the Treasurer of Ontario fifty per centum of the excess over that sum. Crown attorney.

2. Section 8 of *The Public Officers' Fees Act*, as amended by section 31 of *The Statute Law Amendment Act, 1942* and section 1 of *The Public Officers' Fees Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 18, s. 8, re-enacted.

8.—(1) Every division court clerk and every division court bailiff shall be entitled to retain to his own use in each year all the gross fees and emoluments earned by him in that year up to \$6,000. Division court clerks and bailiffs.

(2) Of all the gross fees and emoluments earned by any division court clerk or division court bailiff in each year he shall pay to the Treasurer of Ontario the following percentages: Idem.

(a) on the excess over \$6,000 up to \$10,000, ten per centum thereof;

(b) on the excess over \$10,000, twenty per centum thereof.

3. This Act shall be deemed to have come into force on the 1st day of January, 1950. Effective date.

4. This Act may be cited as *The Public Officers' Fees Amendment Act, 1950*. Short title.

An Act to amend The Public Officers' Fees Act.

1st Reading

February 21st, 1950

2nd Reading

February 27th, 1950

3rd Reading

March 6th, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act.

MR. PORTER

EXPLANATORY NOTES

SECTIONS 1 and 2. The Act now provides that maintenance payments shall be paid weekly. The Act is amended to provide for the payment of maintenance at such intervals as may be deemed proper under the circumstances of each case.

BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Deserted Wives' and Children's Maintenance Act* is amended by striking out the words "weekly sum" in the tenth line and inserting in lieu thereof the words "sum at such intervals", so that the subsection shall read as follows: Rev. Stat.,
c. 211, s. 1,
subs. 1,
amended.

(1) Where a wife has been deserted by her husband an information may be laid before a justice of the peace Order for
maintenance
of wife. and such justice of the peace may issue a summons against the husband in accordance with the form in the Schedule to this Act and if upon the hearing before a magistrate, it appears that the husband has deserted his wife without having made adequate provision for her maintenance and the maintenance of his children residing with her and that he is able to maintain them in whole or in part and neglects or refuses so to do, the magistrate may order him to pay such sum at such intervals as may be deemed proper, having regard to all the circumstances and such order may be in the form given in the Schedule to this Act.

2. Subsection 1 of section 2 of *The Deserted Wives' and Children's Maintenance Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 211, s. 2,
subs. 1,
re-enacted.

(1) A father who has deserted his child may be summoned before a magistrate or a judge of a juvenile court having jurisdiction where the father or the child then resides, who, if satisfied that the father has wilfully refused or neglected to maintain the child and has deserted the child, may order that the father shall pay to the person named in the order for the support of the child such sum at such intervals as Order for
maintenance
of child.

the magistrate or judge deems proper, having regard to the means of the father and to any means the child may have for his support, but such sum shall not exceed a rate of \$20 a week with or without costs.

Rev. Stat.,
c. 211, s. 5,
re-enacted.

3. Section 5 of *The Deserted Wives' and Children's Maintenance Act* is repealed and the following substituted therefor:

Rehearing
of applica-
tion.

5.—(1) Where a judge is satisfied that,—

- (a) the circumstances of any of the parties have changed since the making of an order; or
- (b) evidence has become available which was not available upon the previous hearing,

he may direct a rehearing of the application.

Order may
be con-
firmed, etc.

(2) Upon the rehearing of the application any order previously made may be confirmed, rescinded or varied.

Interpre-
tation.

(3) In this section, “judge” shall mean,—

- (a) the judge or magistrate who made the order; or
- (b) if such judge or magistrate be dead, ill, or absent from his territorial jurisdiction, any other judge of the juvenile court or magistrate whose jurisdiction in the same locality is such that an information similar to the original information could be laid before him; or
- (c) any judge of the juvenile court or magistrate who has jurisdiction in the locality in which the person in whose favour the order is made resides.

Rev. Stat.,
c. 211,
amended.

4. The Order in the Schedule to *The Deserted Wives' and Children's Maintenance Act* is amended by striking out the words “per week” in the sixteenth line and by striking out the word “weekly” in the seventeenth line, so that the Order shall read as follows:

SECTION 3. The re-enactment clarifies the provisions dealing with rehearing of applications.

SECTION 4. The form of the order for payment is amended to bring it into line with the amendments in sections 1 and 2 of the Bill.

An Act to amend 'The Deserted Wives'
and Children's Maintenance Act.

1st Reading

February 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 65

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Deserted Wives' and Children's Maintenance Act* is amended by striking out the words "weekly sum" in the tenth line and inserting in lieu thereof the words "sum at such intervals", so that the subsection shall read as follows: Rev. Stat., c. 211, s. 1, subs. 1, amended.

- (1) Where a wife has been deserted by her husband an information may be laid before a justice of the peace and such justice of the peace may issue a summons against the husband in accordance with the form in the Schedule to this Act and if upon the hearing before a magistrate, it appears that the husband has deserted his wife without having made adequate provision for her maintenance and the maintenance of his children residing with her and that he is able to maintain them in whole or in part and neglects or refuses so to do, the magistrate may order him to pay such sum at such intervals as may be deemed proper, having regard to all the circumstances and such order may be in the form given in the Schedule to this Act. Order for maintenance of wife.

2. Subsection 1 of section 2 of *The Deserted Wives' and Children's Maintenance Act* is repealed and the following substituted therefor: Rev. Stat., c. 211, s. 2, subs. 1, re-enacted.

- (1) A father who has deserted his child may be summoned before a magistrate or a judge of a juvenile court having jurisdiction where the father or the child then resides, who, if satisfied that the father has wilfully refused or neglected to maintain the child and has deserted the child, may order that the father shall pay to the person named in the order for the support of the child such sum at such intervals as Order for maintenance of child.

the magistrate or judge deems proper, having regard to the means of the father and to any means the child may have for his support, but such sum shall not exceed a rate of \$20 a week with or without costs.

Rev. Stat.,
c. 211, s. 5,
re-enacted.

3. Section 5 of *The Deserted Wives' and Children's Maintenance Act* is repealed and the following substituted therefor:

Rehearing
of applica-
tion.

5.—(1) Where a judge is satisfied that,—

- (a) the circumstances of any of the parties have changed since the making of an order; or
- (b) evidence has become available which was not available upon the previous hearing,

he may direct a rehearing of the application.

Order may
be con-
firmed, etc.

(2) Upon the rehearing of the application any order previously made may be confirmed, rescinded or varied.

Interpre-
tation.

(3) In this section, “judge” shall mean,—

- (a) the judge or magistrate who made the order;
or
- (b) if such judge or magistrate be dead, ill, or absent from his territorial jurisdiction, any other judge of the juvenile court or magistrate whose jurisdiction in the same locality is such that an information similar to the original information could be laid before him;
or
- (c) any judge of the juvenile court or magistrate who has jurisdiction in the locality in which the person in whose favour the order is made resides.

Rev. Stat.,
c. 211,
amended.

4. The Order in the Schedule to *The Deserted Wives' and Children's Maintenance Act* is amended by striking out the words “per week” in the sixteenth line and by striking out the word “weekly” in the seventeenth line, so that the Order shall read as follows:

An Act to amend 'The Deserted Wives'
and Children's Maintenance Act.

1st Reading

February 21st, 1950

2nd Reading

February 27th, 1950

3rd Reading

March 8th, 1950

MR. PORTER

No. 66

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Insurance Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The purpose of this amendment is to change the limits for children's insurance as presently set out in section 150 by making the \$1,000 maximum payable on the death of a child between the ages of 4 and 5 years instead of between the ages of 9 and 10 years as the section now provides.

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 150 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 256, s. 150,
re-enacted.

150.—(1) No insurer shall pay on the death of a child who has not attained the age of five years an amount that alone or together with any amount payable on the death of the child by another insurer exceeds the following amount: Restrictions
on insurance
on lives of
children
under five
years.

\$200 if the child dies before attaining the age of 1 year.

\$400 if the child dies after attaining the age of 1 year but before attaining the age of 2 years.

\$600 if the child dies after attaining the age of 2 years but before attaining the age of 3 years.

\$800 if the child dies after attaining the age of 3 years but before attaining the age of 4 years.

\$1,000 if the child dies after attaining the age of 4 years but before attaining the age of 5 years.

(2) Where the amount payable under a contract on the death of the child, either alone or together with an amount payable under any other contract previously made, is in excess of the maximum amount that may be paid under subsection 1, and the child dies before attaining the age of five years, the amount payable on death in excess of the amount specified in subsection 1 shall be limited to,— Where
insurance
excessive.

(a) the amount of any excess premiums paid under the contract; and

- (b) if the insurer has knowingly or without sufficient inquiry entered into the contract, interest at six per centum per annum on the excess premiums.

Scale of benefits to appear on circular, etc.

- (3) Every insurer that undertakes insurance on the lives of children who have not attained the age of five years shall print the scale of benefits set out in subsection 1 in conspicuous type upon every circular or advertisement soliciting the insurance, and upon every policy evidencing the insurance.

Application of section.

- (4) This section does not,—

(a) apply to a contract under which the insured has a pecuniary interest in the life insured, or that limits the payment on the death of a child who has not attained the age of five years to the premiums that have been paid, with interest at the rate provided in the contract; or

(b) preclude the payment of dividends or the repayment of premiums in addition to the amounts specified in subsection 1.

Rev. Stat.,
c. 256, s. 227,
par. 1,
amended.

2. Paragraph 1 of section 227 of *The Insurance Act*, as amended by section 4 of *The Insurance Amendment Act, 1939*, is further amended by striking out the words "Actuarial Society of America, or of the American Institute of Actuaries" in the first and second lines and inserting in lieu thereof the words "Society of Actuaries", so that the paragraph shall read as follows:

"Actuary".

1. "Actuary" means a Fellow of the Society of Actuaries, or of the Institute of Actuaries of Great Britain, or of the Faculty of Actuaries in Scotland, provided however, that an actuary who, for a period of not less than five years preceding the date of the passing of this Act, has been serving a licensed fraternal society transacting business in Ontario on the said date as its actuary, and who has been in active practice as an actuary for a period of not less than twenty-five years prior to the said date, may for the purpose of this Act, with the consent of the Superintendent, be continued as an actuary of any such society by which at the said date he is employed as actuary.

Rev. Stat.,
c. 256, s. 241,
re-enacted.

3. Section 241 of *The Insurance Act* is repealed and the following substituted therefor:

SECTION 2. The amendment is necessary by reason of the fact that the Actuarial Society of America and the American Institute of Actuaries have been dissolved and all Fellows of these two societies automatically became Fellows of the new organization called "The Society of Actuaries."

SECTION 3. This amendment is to require any fraternal society to give notice of the reduction of any benefit payable under a contract or increase of premium by registered post instead of by publication in the official paper of the society as section 241 now provides.

241.—(1) Subject to subsection 2, any notice required to be given to a member for any purpose of this Act or of the rules of the society may be effectually given if written or printed notice is delivered, or is sent by registered post to the member, or is left at his last known place of abode or of business or by publication in the official paper of the society. How notice may be given to members.

(2) A notice of the reduction of any benefit payable under a contract of insurance or of the increase of the premium payable thereunder shall be sent by registered post to the member at his last known place of abode or of business. Notice of reduction of benefit, etc.

4. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

5. This Act may be cited as *The Insurance Amendment Act, 1950*. Short title.

An Act to amend The Insurance Act.

1st Reading

February 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Insurance Act.

MR. PORTER

ASTOR LENOX AND TILDEN FOUNDATIONS
 155 N. 4TH ST. NEW YORK, N. Y.

1818

A. C. LESTER, 155 N. 4TH ST. NEW YORK, N. Y.

1818

1818

No. 66

1950

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 150 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat.
c. 256, s. 150
re-enacted.

150.—(1) No insurer shall pay on the death of a child who has not attained the age of five years an amount that alone or together with any amount payable on the death of the child by another insurer exceeds the following amount: Restriction
on insurance
on lives of
children
under five
years.

\$200 if the child dies before attaining the age of 1 year.

\$400 if the child dies after attaining the age of 1 year but before attaining the age of 2 years.

\$600 if the child dies after attaining the age of 2 years but before attaining the age of 3 years.

\$800 if the child dies after attaining the age of 3 years but before attaining the age of 4 years.

\$1,000 if the child dies after attaining the age of 4 years but before attaining the age of 5 years.

(2) Where the amount payable under a contract on the death of the child, either alone or together with an amount payable under any other contract previously made, is in excess of the maximum amount that may be paid under subsection 1, and the child dies before attaining the age of five years, the amount payable on death in excess of the amount specified in subsection 1 shall be limited to,— where
insurance
excessive.

(a) the amount of any excess premiums paid under the contract; and

- (b) if the insurer has knowingly or without sufficient inquiry entered into the contract, interest at six per centum per annum on the excess premiums.

Scale of benefits to appear on circular, etc.

- (3) Every insurer that undertakes insurance on the lives of children who have not attained the age of five years shall print the scale of benefits set out in subsection 1 in conspicuous type upon every circular or advertisement soliciting the insurance, and upon every policy evidencing the insurance.

Application of section.

- (4) This section does not,—

- (a) apply to a contract under which the insured has a pecuniary interest in the life insured, or that limits the payment on the death of a child who has not attained the age of five years to the premiums that have been paid, with interest at the rate provided in the contract; or

- (b) preclude the payment of dividends or the repayment of premiums in addition to the amounts specified in subsection 1.

Rev. Stat., c. 256, s. 227, par. 1, amended.

2. Paragraph 1 of section 227 of *The Insurance Act*, as amended by section 4 of *The Insurance Amendment Act, 1939*, is further amended by striking out the words "Actuarial Society of America, or of the American Institute of Actuaries" in the first and second lines and in the amendment of 1939 and inserting in lieu thereof the words "Society of Actuaries", so that the paragraph shall read as follows:

"Actuary".

1. "Actuary" means a Fellow of the Society of Actuaries, or of the Institute of Actuaries of Great Britain, or of the Faculty of Actuaries in Scotland, provided however, that an actuary who, for a period of not less than five years preceding the date of the passing of this Act, has been serving a licensed fraternal society transacting business in Ontario on the said date as its actuary, and who has been in active practice as an actuary for a period of not less than twenty-five years prior to the said date, may for the purpose of this Act, with the consent of the Superintendent, be continued as an actuary of any such society by which at the said date he is employed as actuary.

Rev. Stat., c. 256, s. 241, re-enacted.

3. Section 241 of *The Insurance Act* is repealed and the following substituted therefor:

241.—(1) Subject to subsection 2, any notice required to be given to a member for any purpose of this Act or of the rules of the society may be effectually given if written or printed notice is delivered, or is sent by registered post to the member, or is left at his last known place of abode or of business or by publication in the official paper of the society. How notice may be given to members.

(2) A notice of the reduction of any benefit payable under a contract of insurance or of the increase of the premium payable thereunder shall be sent by registered post to the member at his last known place of abode or of business. Notice of reduction of benefit, etc.

4. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

5. This Act may be cited as *The Insurance Amendment Act, 1950*. Short title.

1st Reading

February 21st, 1950

2nd Reading

February 27th, 1950

3rd Reading

March 6th, 1950

MR. PORTER

No. 67

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Magistrates Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The amendments are necessary to bring the provisions of *The Magistrates Act* with respect to appointment and superannuation of magistrates into line with *The Public Service Act, 1947*.

No. 67

1950

BILL

An Act to amend The Magistrates Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1a of section 2 of *The Magistrates Act*, as enacted by subsection 2 of section 1 of *The Magistrates Amendment Act, 1941*, is repealed.

Rev. Stat.,
c. 133, s. 2,
subs. 1a
(1941, c. 28,
s. 1, subs. 2),
repealed.

2. Subsection 1 of section 15a of *The Magistrates Act*, as enacted by section 4 of *The Magistrates Amendment Act, 1941*, is amended by striking out all the words after the word "retirement" in the ninth line, so that the subsection shall read as follows:

Rev. Stat.,
c. 133,
s. 15a,
subs. 1
(1941,
c. 28, s. 4),
amended.

(1) Where a person has ceased to hold office as a magistrate or deputy magistrate by reason of having attained the age of seventy years, the Lieutenant-Governor in Council may, notwithstanding anything in this Act contained, appoint him as a magistrate or deputy magistrate to hold office during pleasure at a salary or other remuneration not greater than that received immediately prior to retirement.

Appoint-
ment of,
where
over 70.

3. Subsection 3 of section 1 of *The Magistrates Amendment Act, 1941* is repealed.

1941,
c. 28, s. 1,
subs. 3,
repealed.

4. This Act may be cited as *The Magistrates Amendment Act, 1950*.

Short title.

An Act to amend The Magistrates Act.

1st Reading

February 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 67

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Magistrates Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

the first of these is the fact that the
 the second is the fact that the
 the third is the fact that the

the first of these is the fact that the

the second is the fact that the

the third is the fact that the

the fourth is the fact that the

No. 67

1950

BILL

An Act to amend The Magistrates Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1a of section 2 of *The Magistrates Act*, as enacted by subsection 2 of section 1 of *The Magistrates Amendment Act, 1941*, is repealed. Rev. Stat., c. 133, s. 2, subs. 1a (1941, c. 28, s. 1, subs. 2), repealed.

2. Subsection 1 of section 15a of *The Magistrates Act*, as enacted by section 4 of *The Magistrates Amendment Act, 1941*, is amended by striking out all the words after the word "retirement" in the ninth line, so that the subsection shall read as follows: Rev. Stat., c. 133, s. 15a, subs. 1 (1941, c. 28, s. 4), amended.

(1) Where a person has ceased to hold office as a magistrate or deputy magistrate by reason of having attained the age of seventy years, the Lieutenant-Governor in Council may, notwithstanding anything in this Act contained, appoint him as a magistrate or deputy magistrate to hold office during pleasure at a salary or other remuneration not greater than that received immediately prior to retirement. Appointment of, where over 70.

3. Subsection 3 of section 1 of *The Magistrates Amendment Act, 1941* is repealed. 1941, c. 28, s. 1, subs. 3, repealed.

4. This Act may be cited as *The Magistrates Amendment Act, 1950*. Short title.

An Act to amend The Magistrates Act.

1st Reading

February 21st, 1950

2nd Reading

March 1st, 1950

3rd Reading

March 6th, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Surrogate Courts Act.

MR. PORTER

EXPLANATORY NOTES

SECTION 1—*Section 4a.* This section is new. It confers the same power on surrogate courts as county courts have under section 31 of *The County Courts Act*.

Section 4b. This section is new. It confers the same power on surrogate courts as county courts have under section 32 of *The County Courts Act*.

Section 4c. This section appeared as section 30 of the Act in the 1914 revision, but was left unconsolidated and unrepealed when the statutes were revised in 1927. It is re-inserted in the Act for convenience of reference.

SECTION 2. Subsection 2 of section 13, which permitted arrangements to be made so that the registrar of the surrogate court of Essex County might have his office in a convenient place in the City of Windsor rather than in the court house in the town of Sandwich, was never acted upon. Since the amalgamation of these municipalities in 1935 the subsection has been obsolete.

SECTION 3. Under the present section appeals from any order, decision or determination of the judge of a surrogate court lie to the Court of Appeal, except on the taking of accounts or upon an adjudication, or to a claim or demand, or as to the title to any property if the amount involved exceeds \$200, in which cases appeals lie to a judge of the Supreme Court with a further appeal to the Court of Appeal.

As re-enacted, the intermediate appeal to a judge of the Supreme Court in the cases mentioned, is eliminated. Hereafter all permissible appeals will go direct to the Court of Appeal thus saving time and expense.

BILL

An Act to amend The Surrogate Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Surrogate Courts Act* is amended by adding thereto the following sections:

Rev. Stat.,
c. 106,
amended.

 - 4a. Every surrogate court shall have the like powers as is possessed by the Supreme Court of enforcing its judgments and orders in any part of Ontario, and may issue the like writs and process as may be issued out of the Supreme Court and the same shall have the like force and effect as writs and process issued out of the Supreme Court.

Power to
enforce
judgments
and orders.
 - 4b. Every surrogate court may punish by fine or imprisonment, or by both, for every wilful contempt of or resistance to its process, rules or orders; but the fine shall not in any case exceed \$100, nor shall the imprisonment exceed six months.

Contempt,
etc.
 - 4c. The rules of evidence observed in and, except as herein otherwise provided and subject to the surrogate court rules in contentious matters, the practice and procedure of the Supreme Court shall apply to the surrogate courts, and, with respect to all matters within the jurisdiction of the surrogate courts, such courts and the judges and officers thereof respectively, shall have and may exercise all the powers of the Supreme Court and of the judges and officers thereof.

Rules of
evidence;

practice and
procedure.
2. Subsection 2 of section 13 of *The Surrogate Courts Act* is repealed.

Rev. Stat.,
c. 106, s. 13,
subs. 2,
repealed.
3. Section 29 of *The Surrogate Courts Act*, as amended by section 1 of *The Surrogate Courts Amendment Act, 1941*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 106, s. 29,
re-enacted.

Right of
appeal.

29.—(1) Any party may appeal to the Court of Appeal from any order, determination or judgment of a surrogate court or a judge thereof in any matter or cause, if the value of the property affected by such order, determination or judgment exceeds \$200.

Time limit.

(2) Every such appeal shall be returnable within one month from the date of the service of a copy of such order, decision or determination upon such persons and in such manner as the judge of the surrogate court may direct.

New trial.

(3) A motion for a new trial after trial by jury shall be deemed an appeal.

Rev. Stat.,
c. 106, s. 31,
amended.

4. Section 31 of *The Surrogate Courts Act* is amended by striking out the words "and that notice of the application has been published at least three times successively in the *Ontario Gazette*" in the eighth, ninth and tenth lines, so that the section shall read as follows:

Where
deceased
had no
fixed place
of abode
in Ontario.

Affidavit.

31. On every application for probate of a will or for letters of administration where the deceased had no fixed place of abode in or resided out of Ontario at the time of his death, the same shall be made to appear by affidavit of the person or one of the persons making the application, and that the deceased died leaving property within the county to the surrogate court of which the application is made, or leaving no property in Ontario, as the case may be, and thereupon and upon proof of the will or, in case of intestacy, upon proof that the deceased died intestate, probate of the will or letters of administration, as the case may be, may be granted.

Rev. Stat.,
c. 106,
s. 58,
re-enacted.

5. Section 58 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

Amount of
security.

58.—(1) The bond shall be in a penalty of double the amount under which the property of the deceased has been sworn, and the judge may direct that more than one bond be given so as to limit the liability of any surety to such amount as the judge deems proper.

Power to
reduce
amount.

(2) The judge may at any time under special circumstances reduce the amount of or dispense with the bond.

Rev. Stat.,
c. 106, s. 65,
subs. 2,
amended.

6. Subsection 2 of section 65 of *The Surrogate Courts Act* is amended by inserting after the word "may" in the fourth

SECTION 4. It is considered that publication of such notices in *the Ontario Gazette* serves no real purpose. The repeal of this requirement will reduce the cost of administering such estates.

SECTION 5. The section is re-enacted in order to remove doubts as to the powers of surrogate judges to dispense with administrators' bonds. A comparable power is now contained in section 21 of the Act in the case of letters patent granted to non-residents of Ontario.

SECTION 6. The filing of the documents mentioned is required so that the issue may be disposed of properly and expeditiously.

SECTION 7. See note to section 6.

SECTION 8. The words are added in order to clarify the status of the Public Trustee when he appears on the passing of such accounts.

line the words "upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation", so that the subsection shall read as follows:

- (2) Within thirty days after the receipt of the notice of contestation mentioned in subsection 1, or within three months thereafter if the judge of the surrogate court on application so allows, the claimant may, upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation, apply to the judge of the surrogate court for an order allowing his claim and determining the amount of it, and the judge shall hear the parties and their witnesses and shall make such order upon the application as he may deem just, and if such claimant does not make such application he shall be deemed to have abandoned his claim and the same shall be forever barred.

Application
for order
allowing
claim.

7. Subsection 2 of section 65a of *The Surrogate Courts Act*, as enacted by section 12 of *The Surrogate Courts Amendment Act, 1946*, is amended by inserting after the word "may" in the second line the words "upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation", so that the subsection shall read as follows:

Rev. Stat.,
c. 106, s. 65a,
subs. 2
(1946, c. 93,
s. 12),
amended.

- (2) Within the time limits mentioned in subsection 2 of section 65 the claimant may, upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation, apply to the judge of the surrogate court for an order for directions as to the disposition of the claim or demand, and if the claimant does not make the application he shall be deemed to have abandoned his claim, and the same shall be forever barred.

Application
by claimant
for order for
directions.

8. Subsection 9 of section 69 of *The Surrogate Courts Act* is amended by adding at the end thereof the words "who, if he appears upon the taking of such accounts, shall have the same rights as any other person having an interest in the estate", so that the subsection shall read as follows:

Rev. Stat.,
c. 106, s. 69,
subs. 9,
amended.

- (9) Where by the terms of a will or other instrument in writing under which such an executor, administrator or trustee acts, real or personal property or any right or interest therein, or proceeds therefrom have heretofore been given, or are hereafter to be vested in any person, executor, administrator or trustee for any religious, educational, charitable or other purpose, or are to be applied by him to or for any such purpose, notice of taking the accounts shall be

Notice of
taking
accounts
to be served
on Public
Trustee.

served upon the Public Trustee who, if he appears upon the taking of such accounts, shall have the same rights as any other person having an interest in the estate.

R.S.O. 1914,
c.62, s.30, re-
pealed.

9. Section 30 of *An Act respecting the Surrogate Courts*, being chapter 62 of the Revised Statutes of Ontario, 1914, is repealed.

Short title.

10. This Act may be cited as *The Surrogate Courts Amendment Act, 1950*.

SECTION 9: See note to section 1—*section 4c.*

An Act to amend
The Surrogate Courts Act.

1st Reading

February 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Surrogate Courts Act.

MR. PORTER

(Reprinted for consideration by the Committee of the Whole House.)

EXPLANATORY NOTES

SECTION 1—*Section 4a.* This section is new. It confers the same power on surrogate courts as county courts have under section 31 of *The County Courts Act*.

Section 4b. This section is new. It confers the same power on surrogate courts as county courts have under section 32 of *The County Courts Act*.

Section 4c. This section appeared as section 30 of the Act in the 1914 revision, but was left unconsolidated and unrepealed when the statutes were revised in 1927. It is re-inserted in the Act for convenience of reference.

SECTION 2. Subsection 2 of section 13, which permitted arrangements to be made so that the registrar of the surrogate court of Essex County might have his office in a convenient place in the City of Windsor rather than in the court house in the town of Sandwich, was never acted upon. Since the amalgamation of these municipalities in 1935 the subsection has been obsolete.

SECTION 3. Under the present section appeals from any order, decision or determination of the judge of a surrogate court lie to the Court of Appeal, except on the taking of accounts or upon an adjudication, or to a claim or demand, or as to the title to any property if the amount involved exceeds \$200, in which cases appeals lie to a judge of the Supreme Court with a further appeal to the Court of Appeal.

As re-enacted, the intermediate appeal to a judge of the Supreme Court in the cases mentioned, is eliminated. Hereafter all permissible appeals will go direct to the Court of Appeal thus saving time and expense.

BILL

An Act to amend The Surrogate Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Surrogate Courts Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 106,
amended.

4a. Every surrogate court shall have the like powers as is possessed by the Supreme Court of enforcing its judgments and orders in any part of Ontario, and may issue the like writs and process as may be issued out of the Supreme Court and the same shall have the like force and effect as writs and process issued out of the Supreme Court. Power to
enforce
judgments
and orders.

4b. Every surrogate court may punish by fine or imprisonment, or by both, for every wilful contempt of or resistance to its process, rules or orders; but the fine shall not in any case exceed \$100, nor shall the imprisonment exceed six months. Contempt,
etc.

4c. The rules of evidence observed in and, except as herein otherwise provided and subject to the surrogate court rules in contentious matters, the practice and procedure of the Supreme Court shall apply to the surrogate courts, and, with respect to all matters within the jurisdiction of the surrogate courts, such courts and the judges and officers thereof respectively, shall have and may exercise all the powers of the Supreme Court and of the judges and officers thereof. Rules of
evidence;

practice and
procedure.

2. Subsection 2 of section 13 of *The Surrogate Courts Act* is repealed. Rev. Stat.,
c. 106, s. 13,
subs. 2,
repealed.

3. Section 29 of *The Surrogate Courts Act*, as amended by section 1 of *The Surrogate Courts Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat.,
c. 106, s. 29,
re-enacted.

Right of
appeal.

29.—(1) Any party or person taking part in the proceedings may appeal to the Court of Appeal from any order, determination or judgment of a surrogate court or a judge thereof in any matter or cause if the value of the property affected by such order, determination or judgment exceeds \$200.

Rights of
persons in-
terested to
appeal.

(2) Where the claimant or personal representative having a right of appeal does not appeal from the order, judgment or determination, the Official Guardian or any person beneficially interested in the estate may, by leave of a judge of the Court of Appeal, appeal therefrom.

Rights of
persons
interested
to be heard
at appeal.

(3) The Official Guardian or any person beneficially interested in the estate, may, by leave of a judge of the Court of Appeal appear and be heard upon any such appeal.

Manner and
time of
appeal.

(4) Every appeal under this section shall be made by notice of motion served upon all parties interested within thirty days after the date of the judgment, determination or order appealed from, and when the circumstances of any case in the opinion of a judge of the Court of Appeal so warrant, he may permit service to be effected by prepaid registered post.

Extension of
time for
appeal.

(5) The time limited for appeal by this section may be extended by a judge of the Court of Appeal, either before or after the expiry of the time limit.

Rules of
court.

(6) The rules of court shall apply to such appeals.

Rev. Stat.,
c. 106, s. 31,
amended.

4. Section 31 of *The Surrogate Courts Act* is amended by striking out the words "and that notice of the application has been published at least three times successively in the *Ontario Gazette*" in the eighth, ninth and tenth lines, so that the section shall read as follows:

Where
deceased
had no
fixed place
of abode
in Ontario.

Affidavit.

31. On every application for probate of a will or for letters of administration where the deceased had no fixed place of abode in or resided out of Ontario at the time of his death, the same shall be made to appear by affidavit of the person or one of the persons making the application, and that the deceased died leaving property within the county to the surrogate court of which the application is made, or leaving no property in Ontario, as the case may be, and thereupon and upon proof of the will or, in case of intestacy, upon proof that the deceased died intestate, probate of the will or letters of administration, as the case may be, may be granted.

SECTION 4. It is considered that publication of such notices in *the Ontario Gazette* serves no real purpose. The repeal of this requirement will reduce the cost of administering such estates.

SECTION 5. The section is re-enacted in order to remove doubts as to the powers of surrogate judges to dispense with administrators' bonds. A comparable power is now contained in section 21 of the Act in the case of letters patent granted to non-residents of Ontario.

SECTION 6—Subsection 1. The filing of the documents mentioned is required so that the issue may be disposed of properly and expeditiously.

Subsection 2. These provisions, which deal with matters connected with appeals, are transferred and are now dealt with in the new appeal section enacted by section 3 of this Bill.

SECTION 7.—Subsection 1. See note to section 6, subsection 1.

5. Section 58 of *The Surrogate Courts Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 106,
s. 58,
re-enacted.

58.—(1) The bond shall be in a penalty of double the amount under which the property of the deceased has been sworn, and the judge may direct that more than one bond be given so as to limit the liability of any surety to such amount as the judge deems proper. Amount of security.

(2) The judge may at any time under special circumstances reduce the amount of or dispense with the bond. Power to reduce amount.

6.—(1) Subsection 2 of section 65 of *The Surrogate Courts Act* is amended by inserting after the word "may" in the fourth line the words "upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation", so that the subsection shall read as follows: Rev. Stat.,
c. 106, s. 65,
subs. 2,
amended.

(2) Within thirty days after the receipt of the notice of contestation mentioned in subsection 1, or within three months thereafter if the judge of the surrogate court on application so allows, the claimant may, upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation, apply to the judge of the surrogate court for an order allowing his claim and determining the amount of it, and the judge shall hear the parties and their witnesses and shall make such order upon the application as he may deem just, and if such claimant does not make such application he shall be deemed to have abandoned his claim and the same shall be forever barred. Application for order allowing claim.

(2) Subsections 8 and 9 of the said section 65 are repealed. Rev. Stat.,
c. 106, s. 65,
subss. 8, 9,
repealed.

7.—(1) Subsection 2 of section 65a of *The Surrogate Courts Act*, as enacted by section 12 of *The Surrogate Courts Amendment Act, 1946*, is amended by inserting after the word "may" in the second line the words "upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation", so that the subsection shall read as follows: Rev. Stat.,
c. 106, s. 65a,
subs. 2
(1946, c. 93,
s. 12),
amended.

(2) Within the time limits mentioned in subsection 2 of section 65 the claimant may, upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation, apply to the judge of the surrogate court for an order for directions as to the disposition of the claim or Application by claimant for order for directions.

demand, and if the claimant does not make the application he shall be deemed to have abandoned his claim, and the same shall be forever barred.

Rev. Stat.,
c. 106, s. 65a,
subs. 6
(1946,
c. 93, s. 12),
repealed.

(2) Subsection 6 of the said section 65a is repealed.

R.S.O. 1914,
c. 62, s. 30,
repealed.

8. Section 30 of *An Act respecting the Surrogate Courts*, being chapter 62 of the Revised Statutes of Ontario, 1914, is repealed.

Commence-
ment of Act.

9. This Act shall come into force on the day it receives the Royal Assent.

Short title.

10. This Act may be cited as *The Surrogate Courts Amendment Act, 1950*.

Subsection 2. See note to section 6, subsection 2.

SECTION 8: See note to section 1—*section 4c*.

BILL

An Act to amend
The Surrogate Courts Act.

1st Reading

February 21st, 1950

2nd Reading

March 1st, 1950

3rd Reading

MR. PORTER

(*Reprinted for consideration by the
Committee of the Whole House.*)

No. 68

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Surrogate Courts Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

212

THE UNIVERSITY OF CHICAGO

CHICAGO, ILL.

No. 68

1950

BILL

An Act to amend The Surrogate Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Surrogate Courts Act* is amended by adding thereto the following sections: Rev. Stat., c. 106, amended.

4a. Every surrogate court shall have the like powers as is possessed by the Supreme Court of enforcing its judgments and orders in any part of Ontario, and may issue the like writs and process as may be issued out of the Supreme Court and the same shall have the like force and effect as writs and process issued out of the Supreme Court. Power to enforce judgments and orders.

4b. Every surrogate court may punish by fine or imprisonment, or by both, for every wilful contempt of or resistance to its process, rules or orders; but the fine shall not in any case exceed \$100, nor shall the imprisonment exceed six months. Contempt, etc.

4c. The rules of evidence observed in and, except as herein otherwise provided and subject to the surrogate court rules in contentious matters, the practice and procedure of the Supreme Court shall apply to the surrogate courts, and, with respect to all matters within the jurisdiction of the surrogate courts, such courts and the judges and officers thereof respectively, shall have and may exercise all the powers of the Supreme Court and of the judges and officers thereof. Rules of evidence; practice and procedure.

2. Subsection 2 of section 13 of *The Surrogate Courts Act* is repealed. Rev. Stat., c. 106, s. 13, subs. 2, repealed.

3. Section 29 of *The Surrogate Courts Act*, as amended by section 1 of *The Surrogate Courts Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 106, s. 29, re-enacted.

Right of
appeal.

29.—(1) Any party or person taking part in the proceedings may appeal to the Court of Appeal from any order, determination or judgment of a surrogate court or a judge thereof in any matter or cause if the value of the property affected by such order, determination or judgment exceeds \$200.

Rights of
persons in-
terested to
appeal.

(2) Where the claimant or personal representative having a right of appeal does not appeal from the order, judgment or determination, the Official Guardian or any person beneficially interested in the estate may, by leave of a judge of the Court of Appeal, appeal therefrom.

Rights of
persons
interested
to be heard
at appeal.

(3) The Official Guardian or any person beneficially interested in the estate, may, by leave of a judge of the Court of Appeal, appear and be heard upon any such appeal.

Manner and
time of
appeal.

(4) Every appeal under this section shall be made by notice of motion served upon all parties interested within thirty days after the date of the judgment, determination or order appealed from, and when the circumstances of any case in the opinion of a judge of the Court of Appeal so warrant, he may permit service to be effected by prepaid registered post.

Extension of
time for
appeal.

(5) The time limited for appeal by this section may be extended by a judge of the Court of Appeal, either before or after the expiry of the time limit.

Rules of
court.

(6) The rules of court shall apply to such appeals.

Rev. Stat.,
c. 106, s. 31,
amended.

4. Section 31 of *The Surrogate Courts Act* is amended by striking out the words "and that notice of the application has been published at least three times successively in the *Ontario Gazette*" in the eighth, ninth and tenth lines, so that the section shall read as follows:

Where
deceased
had no
fixed place
of abode
in Ontario.

Affidavit.

31. On every application for probate of a will or for letters of administration where the deceased had no fixed place of abode in or resided out of Ontario at the time of his death, the same shall be made to appear by affidavit of the person or one of the persons making the application, and that the deceased died leaving property within the county to the surrogate court of which the application is made, or leaving no property in Ontario, as the case may be, and thereupon and upon proof of the will or, in case of intestacy, upon proof that the deceased died intestate, probate of the will or letters of administration, as the case may be, may be granted.

5. Section 58 of *The Surrogate Courts Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 106,
s. 58,
re-enacted.

58.—(1) The bond shall be in a penalty of double the amount under which the property of the deceased has been sworn, and the judge may direct that more than one bond be given so as to limit the liability of any surety to such amount as the judge deems proper. Amount of
security.

(2) The judge may at any time under special circumstances reduce the amount of or dispense with the bond. Power to
reduce
amount.

6.—(1) Subsection 2 of section 65 of *The Surrogate Courts Act* is amended by inserting after the word "may" in the fourth line the words "upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation", so that the subsection shall read as follows: Rev. Stat.,
c. 106, s. 65,
subs. 2,
amended.

(2) Within thirty days after the receipt of the notice of contestation mentioned in subsection 1, or within three months thereafter if the judge of the surrogate court on application so allows, the claimant may, upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation, apply to the judge of the surrogate court for an order allowing his claim and determining the amount of it, and the judge shall hear the parties and their witnesses and shall make such order upon the application as he may deem just, and if such claimant does not make such application he shall be deemed to have abandoned his claim and the same shall be forever barred. Application
for order
allowing
claim.

(2) Subsections 8 and 9 of the said section 65 are repealed. Rev. Stat.,
c. 106, s. 65,
subs. 8, 9,
repealed.

7.—(1) Subsection 2 of section 65a of *The Surrogate Courts Act*, as enacted by section 12 of *The Surrogate Courts Amendment Act, 1946*, is amended by inserting after the word "may" in the second line the words "upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation", so that the subsection shall read as follows: Rev. Stat.,
c. 106, s. 65a,
subs. 2
(1946, c. 93,
s. 12),
amended.

(2) Within the time limits mentioned in subsection 2 of section 65 the claimant may, upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation, apply to the judge of the surrogate court for an order for directions as to the disposition of the claim or Application
by claimant
for order for
directions.

demand, and if the claimant does not make the application he shall be deemed to have abandoned his claim, and the same shall be forever barred.

Rev. Stat.,
c. 106, s. 65a,
subs. 6
(1946,
c. 93, s. 12),
repealed.

(2) Subsection 6 of the said section 65a is repealed.

R.S.O. 1914,
c. 62, s. 30,
repealed.

8. Section 30 of *An Act respecting the Surrogate Courts*, being chapter 62 of the Revised Statutes of Ontario, 1914, is repealed.

Commence-
ment of Act.

9. This Act shall come into force on the day it receives the Royal Assent.

Short title.

10. This Act may be cited as *The Surrogate Courts Amendment Act, 1950*.

An Act to amend
The Surrogate Courts Act.

1st Reading

February 21st, 1950

2nd Reading

March 1st, 1950

3rd Reading

March 27th, 1950

MR. PORTER

No. 69

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The new section is required to properly deal with the case of a broker who dies and whose executor desires to carry on the business until it can be disposed of.

SECTION 2—Subsection 1. The new clause will make it clear that an auctioneer does not require a licence under this Act when selling real estate by auction.

Subsection 2. The amendment provides that only full-time “salaried” employees are to be exempt from registration as was the original intention.

No. 69

1950

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Real Estate and Business Brokers Act, 1946* is ^{1946, c. 85, amended.} amended by adding thereto the following section:

12a.—(1) Where a registered broker who carries on business as an individual broker dies, the Registrar may,—^{Temporary registration on death of broker.}

(a) grant to the executor or administrator of such broker temporary registration as a broker for a period of not more than six months in respect of the business of the deceased broker; and

(b) exempt any such executor or administrator from passing a written examination.

(2) All salesmen registered as salesmen of the deceased broker at the time of his death, shall be deemed to be registered as salesmen of such executor or administrator.^{Salesmen of deceased broker.}

2.—(1) Section 16 of *The Real Estate and Business Brokers Act, 1946*, as amended by section 1 of *The Real Estate and Business Brokers Amendment Act, 1947 (No. 2)*, is further amended by adding thereto the following clause:^{1946, c. 85, s. 16, cl. dd (1947, c. 94, s. 1), amended.}

(aa) any auctioneer where the trade is made in the course of and as part of his duties as auctioneer.

(2) Clause *dd* of the said section 16, as enacted by section 1 of *The Real Estate and Business Brokers Amendment Act, 1947 (No. 2)*, is amended by inserting after the word "full-time" in the first line the word "salaried", so that the clause shall read as follows:^{1946, c. 85, s. 16, cl. dd (1947, c. 94, s. 1), amended.}

(dd) a full-time salaried employee of a party to a trade where the employee is acting for or on behalf of his employer.

1946,
c. 85, s. 32,
subs. 1,
amended.

3. Subsection 1 of section 32 of *The Real Estate and Business Brokers Act, 1946* is amended by inserting after the word "keep" in the first line the words "a sales record sheet in a form prescribed by the Superintendent and", so that the subsection, exclusive of the clauses, shall read as follows:

Books, etc.
to be kept.

(1) Every broker shall keep a sales record sheet in a form prescribed by the Superintendent and proper books and accounts with respect to his trades in real estate and shall enter therein in the case of each trade,—

.

1946,
c. 85, s. 51,
re-enacted.

4. Section 51 of *The Real Estate and Business Brokers Act, 1946* is repealed and the following substituted therefor:

Agreements
to sell,
purchase,
etc.

51. Where a broker or salesman has secured an acceptance of an offer to sell, purchase, exchange, lease or rent real estate he shall require each of the parties to sign a sufficient number of copies of the agreement and he shall retain one signed copy and shall forthwith deliver one signed copy to each of the parties.

Short title.

5. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1950*.

SECTION 3. The amendment is to require brokers to keep a sales record sheet in respect of each particular deal.

SECTION 4. Under the present section it is only necessary for the broker to have one agreement signed and to give a true copy to each party to the agreement. The amendment provides that the broker must give each party a signed copy so that the parties will have original duplicates which will be sufficient evidence of the transaction in case the original cannot be produced.

BILL

An Act to amend The Real Estate and
Business Brokers Act, 1946.

1st Reading

February 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 69

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 69

1950

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Real Estate and Business Brokers Act, 1946* is ^{1946, c. 85, amended.} amended by adding thereto the following section:

12a.—(1) Where a registered broker who carries on business as an individual broker dies, the Registrar ^{Temporary registration on death of broker.} may,—

(a) grant to the executor or administrator of such broker temporary registration as a broker for a period of not more than six months in respect of the business of the deceased broker; and

(b) exempt any such executor or administrator from passing a written examination.

(2) All salesmen registered as salesmen of the deceased broker at the time of his death, shall be deemed to be ^{Salesmen of deceased broker.} registered as salesmen of such executor or administrator.

2.—(1) Section 16 of *The Real Estate and Business Brokers Act, 1946*, as amended by section 1 of *The Real Estate and Business Brokers Amendment Act, 1947* (No. 2), is further ^{1946, c. 85, s. 16, amended.} amended by adding thereto the following clause:

(aa) any auctioneer where the trade is made in the course of and as part of his duties as auctioneer.

(2) Clause *dd* of the said section 16, as enacted by section 1 ^{1946, c. 85, s. 16, cl. *dd*} of *The Real Estate and Business Brokers Amendment Act, 1947* (No. 2), is amended by inserting after the word “full-^{(1947, c. 94, s. 1), amended.}time” in the first line the word “salaried”, so that the clause shall read as follows:

(dd) a full-time salaried employee of a party to a trade where the employee is acting for or on behalf of his employer.

1946,
c. 85, s. 32,
subs. 1,
amended.

3. Subsection 1 of section 32 of *The Real Estate and Business Brokers Act, 1946* is amended by inserting after the word "keep" in the first line the words "a sales record sheet in a form prescribed by the Superintendent and", so that the subsection, exclusive of the clauses, shall read as follows:

Books, etc.
to be kept.

(1) Every broker shall keep a sales record sheet in a form prescribed by the Superintendent and proper books and accounts with respect to his trades in real estate and shall enter therein in the case of each trade,—

.

1946,
c. 85, s. 51,
re-enacted.

4. Section 51 of *The Real Estate and Business Brokers Act, 1946* is repealed and the following substituted therefor:

Agreements
to sell,
purchase,
etc.

51. Where a broker or salesman has secured an acceptance of an offer to sell, purchase, exchange, lease or rent real estate he shall require each of the parties to sign a sufficient number of copies of the agreement and he shall retain one signed copy and shall forthwith deliver one signed copy to each of the parties.

Short title.

5. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1950*.



BILL

An Act to amend The Real Estate and
Business Brokers Act, 1946.

1st Reading

February 21st, 1950

2nd Reading

March 1st, 1950

3rd Reading

March 6th, 1950

MR. PORTER

No. 70

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The School Attendance Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsection 1. High school districts, whether under a high school board or board of education, may include more than one urban municipality. Subsection 1 is re-enacted to make it clear that it is not necessary to appoint an officer for each such municipality. The re-enactment of subsection 4 is complementary to this change and also corrects a cross-reference.

Subsection 2. This amendment permits public and separate school boards in townships employing five or more teachers to appoint school attendance officers.

Subsection 3. This amendment is to assign the jurisdiction of the respective school attendance officers appointed under the Act.

No. 70

1950

BILL

An Act to amend The School Attendance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsections 1 and 4 of section 8 of *The School Attendance Act* are repealed and the following substituted therefor: Rev. Stat., c. 367, s. 8, subss. 1, 4, re-enacted.

- (1) The public school board or separate school board of every urban municipality and every board of education or high school board shall appoint one or more school attendance officers for the enforcement of this Act, but two or more boards may appoint the same attendance officer or officers if, in the judgment of the Minister, the interests of economy and efficiency may be better served thereby. Appointment of attendance officers.

.

- (4) The council of every township shall appoint a school attendance officer or school attendance officers who shall have the same powers and perform the same duties as school attendance officers appointed under subsection 1, but the appointment of a school attendance officer by the council of a township shall not affect the powers and duties of a school attendance officer appointed under subsection 5a. Appointment of attendance officers in townships.

(2) Subsection 5a of the said section 8, as enacted by section 17 of *The School Law Amendment Act, 1939* and amended by section 14 of *The School Law Amendment Act, 1943*, is repealed and the following substituted therefor: Rev. Stat., c. 367, s. 8, subs. 5a (1939, c. 44, s. 17), re-enacted.

- (5a) Where a public or separate school board in a township employs five or more teachers, the board may appoint one or more school attendance officers. By school boards in townships.

(3) The said section 8 is further amended by adding thereto the following subsections: Rev. Stat., c. 367, s. 8, amended.

Jurisdiction
of attend-
ance officers.

(5b) Where more than one school attendance officer functions in a municipality, the officer appointed by the high school board, if any, shall have jurisdiction in respect of all pupils who are attending the high school, the officer appointed by the public school board or the separate school board, as the case may be, shall have jurisdiction in respect of pupils who are attending the public or separate school and, where no officer has been appointed by a school board in a township, the school attendance officer appointed by the township council shall have jurisdiction in respect of all pupils.

Idem.

(5c) A school attendance officer appointed by a board of education shall have jurisdiction in respect of both public and high school pupils under the jurisdiction of the board.

Rev. Stat.,
c. 367, s. 9,
re-enacted.

2. Section 9 of *The School Attendance Act* is repealed and the following substituted therefor:

Census of
children.

9. A board of education or board of school trustees shall have authority to make a complete census of all children resident in the municipality or school section who are not of the age of twenty-one years.

Rev. Stat.,
c. 367, s. 13,
subs. 4,
amended.

3. Subsection 4 of section 13 of *The School Attendance Act* is amended by striking out the words and figures "and to the particulars from the list prepared under subsection 1 of section 33 of *The Assessment Act* transmitted by the clerk of the municipality to the secretary of the board" in the third, fourth, fifth and sixth lines, so that the subsection shall read as follows:

How non-
attendance
or irregular
attendance
ascertained.

(4) The non-attendance or irregular attendance of the child shall be ascertained by the teacher of the school which the child should attend by reference to the school register, and the teacher shall report such non-attendance or irregular attendance to the inspector and to the school attendance officer.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The School Attendance Amendment Act, 1950*.

SECTIONS 2 and 3. Section 9 and subsection 4 of section 13 of *The School Attendance Act* contain references to the school census prepared under section 33 of *The Assessment Act*. The latter section was re-enacted in 1949 and no longer provides for a school census. These references are therefore removed.

An Act to amend The School
Attendance Act.

1st Reading

February 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 70

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The School Attendance Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

THE
LIBRARY OF THE
MUSEUM OF NATURAL HISTORY
AND
ZOOLOGY
OF THE
SMITHSONIAN INSTITUTION
WASHINGTON, D. C.

2510

THE SMITHSONIAN INSTITUTION
WASHINGTON, D. C.

1881

No. 70

1950

BILL

An Act to amend The School Attendance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsections 1 and 4 of section 8 of *The School Attendance Act* are repealed and the following substituted therefor: Rev. Stat., c. 367, s. 8, subss. 1, 4, re-enacted.

- (1) The public school board or separate school board of every urban municipality and every board of education or high school board shall appoint one or more school attendance officers for the enforcement of this Act, but two or more boards may appoint the same attendance officer or officers if, in the judgment of the Minister, the interests of economy and efficiency may be better served thereby. Appointment of attendance officers.

.

- (4) The council of every township shall appoint a school attendance officer or school attendance officers who shall have the same powers and perform the same duties as school attendance officers appointed under subsection 1, but the appointment of a school attendance officer by the council of a township shall not affect the powers and duties of a school attendance officer appointed under subsection 5a. Appointment of attendance officers in townships.

(2) Subsection 5a of the said section 8, as enacted by section 17 of *The School Law Amendment Act, 1939* and amended by section 14 of *The School Law Amendment Act, 1943*, is repealed and the following substituted therefor: Rev. Stat., c. 367, s. 8, subss. 5a (1939), c. 44, s. 17, re-enacted.

- (5a) Where a public or separate school board in a township employs five or more teachers, the board may appoint one or more school attendance officers. By school boards in townships.

(3) The said section 8 is further amended by adding thereto the following subsections: Rev. Stat., c. 367, s. 8, amended.

Jurisdiction
of attend-
ance officers.

(5b) Where more than one school attendance officer functions in a municipality, the officer appointed by the high school board, if any, shall have jurisdiction in respect of all pupils who are attending the high school, the officer appointed by the public school board or the separate school board, as the case may be, shall have jurisdiction in respect of pupils who are attending the public or separate school and, where no officer has been appointed by a school board in a township, the school attendance officer appointed by the township council shall have jurisdiction in respect of all pupils.

Idem.

(5c) A school attendance officer appointed by a board of education shall have jurisdiction in respect of both public and high school pupils under the jurisdiction of the board.

Rev. Stat.,
c. 367, s. 9,
re-enacted.

2. Section 9 of *The School Attendance Act* is repealed and the following substituted therefor:

Census of
children.

9. A board of education or board of school trustees shall have authority to make a complete census of all children resident in the municipality or school section who are not of the age of twenty-one years.

Rev. Stat.,
c. 367, s. 13,
subs. 4,
amended.

3. Subsection 4 of section 13 of *The School Attendance Act* is amended by striking out the words and figures "and to the particulars from the list prepared under subsection 1 of section 33 of *The Assessment Act* transmitted by the clerk of the municipality to the secretary of the board" in the third, fourth, fifth and sixth lines, so that the subsection shall read as follows:

How non-
attendance
or irregular
attendance
ascertained.

(4) The non-attendance or irregular attendance of the child shall be ascertained by the teacher of the school which the child should attend by reference to the school register, and the teacher shall report such non-attendance or irregular attendance to the inspector and to the school attendance officer.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The School Attendance Amendment Act, 1950*.

An Act to amend The School
Attendance Act.

1st Reading

February 21st, 1950

2nd Reading

March 1st, 1950

3rd Reading

March 6th, 1950

MR. PORTER

No. 71

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Auxiliary Classes Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The present wording of the clause does not include a high school board and restricts the meaning of "board" to boards of trustees in cities. The new clause makes the Act applicable to boards of education, high school boards, public school boards and separate school boards, without any restriction as to location.

SECTION 2. The amendment allows auxiliary classes to be established for both elementary and secondary school courses of study. Formerly, these classes were restricted to public or separate school courses.

SECTION 3. The amendment is to enable day classes in oral speech and lip-reading to be established by school boards irrespective of the population of the municipality. At present, they may be established only in public, separate and high schools in municipalities having a population of over 50,000.

No. 71

1950

BILL

An Act to amend The Auxiliary Classes Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Auxiliary Classes Act* is repealed and the following substituted therefor: Rev. Stat., c. 358, s. 1, cl. *a*, re-enacted.

(a) "Board" shall mean a board of education, board of high school trustees, board of public school trustees and board of separate school trustees. "Board".

2. Section 2 of *The Auxiliary Classes Act*, as amended by section 1 of *The Auxiliary Classes Amendment Act, 1947*, is further amended by striking out the words "ordinary public or separate schools courses" in the fifth and sixth lines and inserting in lieu thereof the words "public, separate, high or vocational school courses", so that the section shall read as follows: Rev. Stat., c. 358, s. 2, amended.

2. Subject to the regulations, a board may establish and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause, unable to take proper advantage of the public, separate, high or vocational school courses. Classes which may be established.

3. Section 2*a* of *The Auxiliary Classes Act*, as enacted by section 2 of *The Auxiliary Classes Amendment Act, 1947*, is repealed and the following substituted therefor: Rev. Stat., c. 358, s. 2*a* (1947, c. 6, s. 2), re-enacted.

2*a*. A board may establish day classes in oral speech and lip-reading to accommodate all the deaf children within its jurisdiction, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, provided that any child who is under eleven years of age on the 1st day of September in any Classes for deaf children.

year may, subject to the regulations respecting admission thereto, attend The Ontario School for the Deaf.

Rev. Stat.,
c. 358, s. 3,
subs. 2,
amended.

4. Subsection 2 of section 3 of *The Auxiliary Classes Act* is amended by striking out the word "city" in the fourth line and inserting in lieu thereof the word "municipality", so that the subsection shall read as follows:

Acquiring
site, etc.,
in adjoining
municipality.

(2) With the approval of the Minister, a site may be acquired and buildings erected thereon in an adjoining township, and for that purpose the board shall have and may exercise within such township the like powers as within the municipality for which the board is constituted.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Auxiliary Classes Amendment Act, 1950*.

SECTION 4. This amendment is to bring the subsection into line with the amendment to clause *a* of section 1 which extends the powers of the Act to school boards wherever situated.

An Act to amend The Auxiliary
Classes Act.

1st Reading

February 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 71

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Auxiliary Classes Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 71

1950

BILL

An Act to amend The Auxiliary Classes Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Auxiliary Classes Act* is repealed and the following substituted therefor: Rev. Stat., c. 358, s. 1, cl. *a*, re-enacted.

(*a*) "Board" shall mean a board of education, board of high school trustees, board of public school trustees and board of separate school trustees.

2. Section 2 of *The Auxiliary Classes Act*, as amended by section 1 of *The Auxiliary Classes Amendment Act, 1947*, is further amended by striking out the words "ordinary public or separate schools courses" in the fifth and sixth lines and inserting in lieu thereof the words "public, separate, high or vocational school courses", so that the section shall read as follows: Rev. Stat., c. 358, s. 2, amended.

2. Subject to the regulations, a board may establish and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause, unable to take proper advantage of the public, separate, high or vocational school courses. Classes which may be established.

3. Section 2*a* of *The Auxiliary Classes Act*, as enacted by section 2 of *The Auxiliary Classes Amendment Act, 1947*, is repealed and the following substituted therefor: Rev. Stat., c. 358, s. 2*a* (1947, c. 6, s. 2), re-enacted.

2*a*. A board may establish day classes in oral speech and lip-reading to accommodate all the deaf children within its jurisdiction, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, provided that any child who is under eleven years of age on the 1st day of September in any Classes for deaf children.

year may, subject to the regulations respecting admission thereto, attend The Ontario School for the Deaf.

Rev. Stat.,
c. 358, s. 3,
subs. 2,
amended.

4. Subsection 2 of section 3 of *The Auxiliary Classes Act* is amended by striking out the word "city" in the fourth line and inserting in lieu thereof the word "municipality", so that the subsection shall read as follows:

Acquiring
site, etc.,
in adjoining
municipality.

(2) With the approval of the Minister, a site may be acquired and buildings erected thereon in an adjoining township, and for that purpose the board shall have and may exercise within such township the like powers as within the municipality for which the board is constituted.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Auxiliary Classes Amendment Act, 1950*.

An Act to amend The Auxiliary
Classes Act.

1st Reading

February 21st, 1950

2nd Reading

March 1st, 1950

3rd Reading

March 6th, 1950

MR. PORTER

No. 72

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Mining Act.

MR. GEMMELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES.

SECTION 1. As the lettering of miners' licenses is solely administrative, it is not necessary for the Minister of Mines to prescribe the letters in a regulation. The requirement is therefore deleted.

SECTION 2—Subsection 1. As it is not always necessary to reserve a 200-foot strip along the shores of lakes, the subsection is amended to allow reservations of less than 200 feet.

Subsection 2. This provision, which is new, will enable leases of land under water to be terminated if the rental is two years or more in arrears.

No. 72

1950

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Mining Act* is amended by striking out the words "prescribed by the Minister" in the second and third lines, so that the section shall read as follows: Rev. Stat., c. 47, s. 26, amended.

26. Every miner's license shall be numbered, and shall also be lettered with a letter of the alphabet to indicate the office from which it was issued. Numbering and lettering of miners' licenses.

2.—(1) Subsection 3 of section 52 of *The Mining Act*, as amended by section 2 of *The Mining Amendment Act, 1945*, is further amended by striking out the words "in a strip of land" in the eleventh line and by inserting after the word "shore" in the said eleventh line the words "not exceeding", so that the subsection shall read as follows: Rev. Stat., c. 47, s. 52, subs. 3, amended.

(3) In unsurveyed territory land covered with water may be included in a claim in the same way as land not covered with water; and in a surveyed township, land covered with water which would, if not covered with water, have been comprised in the area of the lot, quarter-section or subdivision of a section, or have constituted a lot, quarter-section, or subdivision of a section, may be included in a claim as if it were in fact part of such lot, quarter-section, or subdivision of a section; but wherever a claim includes land covered with or bordering on water there may be reserved to the Crown, the surface rights along the shore not exceeding 200 feet in perpendicular width from the water's edge and such other rights of access and passage to, from and over the water as to the Minister may seem desirable, and in the case of navigable water a lease or license only to extract the ore or mineral, and not a patent, shall be granted. Claims including lands covered with water.

(2) The said section 52 is further amended by adding thereto the following subsection: Rev. Stat., c. 47, s. 52, amended.

Leases under
subs. 3 sub-
ject to s. 47.

- (4) A lease issued under subsection 3 shall be subject to section 47.

Rev. Stat.,
c. 47, s. 57,
subs. 1a,
cl. a
(1947,
c. 66, s. 6,
subs. 1),
amended.

3. Clause *a* of subsection 1a of section 57 of *The Mining Act*, as enacted by subsection 1 of section 6 of *The Mining Amendment Act, 1947*, is amended by inserting after the article "the" in the third line the word "Patricia", so that the clause shall read as follows:

- (a) where the claim is situated in part of the territorial district of Kenora (Patricia portion), not included in the Patricia, Red Lake or Kenora mining division, not later than sixty days from the date of staking; and

.

Rev. Stat.,
c. 47, s. 78,
subs. 6
(1947,
c. 66, s. 10),
re-enacted.

4.—(1) Subsection 6 of section 78 of *The Mining Act*, as re-enacted by section 10 of *The Mining Amendment Act, 1947*, is repealed and the following substituted therefor:

Work to be
performed
on claims.

- (6) A licensee may perform or cause to be performed on one or more claims all of the work required to be performed in respect of not more than nine contiguous claims recorded in his name, and the reports of work and affidavits to be filed in respect of such work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied.

Idem.

- (6a) Where the work is diamond drilling and the drill core is $\frac{7}{8}$ of an inch or more in diameter, or where the work is underground development consisting of shaft sinking, cross-cutting or drifting, the licensee may make application to the Minister for permission to perform such work on one or more claims for a group of not more than eighteen contiguous claims recorded in the licensee's name, and the work may be recorded in the same manner as provided in subsection 6,—

- (a) if the Minister issues a grouping certificate in the prescribed form; and
(b) if the grouping certificate is filed in the office of the recorder before the work is commenced.

Work
performed
heretofore.

Rev. Stat.,
c. 47.

(2) Notwithstanding the provisions of subsection 6a of section 78 of *The Mining Act*, as enacted by subsection 1 of this section, the Minister may issue grouping certificates within the meaning of the said subsection 6a in respect of work performed before the passing of this Act.

SECTION 3. The amendment makes the recording of claims in the newly-formed Patricia Mining Division the same as in all other mining divisions.

SECTION 4—Subsection 1. Provision is made for grouping eighteen claims for assessment work purposes where extensive underground development is being done.

Subsection 2. Self-explanatory. Complementary to subsection 1.

SECTION 5. This provision, which deals with applications for boring permits, is amended to include the newly-formed Patricia Mining Division. See section 3 of this Bill.

5. Subclause i of clause b of subsection 1 of section 107 of *The Mining Act*, as re-enacted by section 15 of *The Mining Amendment Act, 1947*, is amended by inserting after the article "the" in the third line the word "Patricia", so that the subclause shall read as follows:

- (i) where the area staked out is situated in any part of the territorial district of Kenora (Patricia portion), not included in the Patricia, Red Lake or Kenora mining division, or in any territorial district not included in a mining division, within sixty days from the date of staking out, and

.

6. This Act may be cited as *The Mining Amendment Act*, Short title. 1950.

An Act to amend The Mining Act.

1st Reading

February 24th, 1950

2nd Reading

3rd Reading

MR. GEMMELL

No. 72

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Mining Act.

MR. GEMMELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 72

1950

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Mining Act* is amended by striking out the words "prescribed by the Minister" in the second and third lines, so that the section shall read as follows: Rev. Stat., c. 47, s. 26, amended.

26. Every miner's license shall be numbered, and shall also be lettered with a letter of the alphabet to indicate the office from which it was issued. Numbering and lettering of miners' licenses.

2.—(1) Subsection 3 of section 52 of *The Mining Act*, as amended by section 2 of *The Mining Amendment Act, 1945*, is further amended by striking out the words "in a strip of land" in the eleventh line and by inserting after the word "shore" in the said eleventh line the words "not exceeding", so that the subsection shall read as follows: Rev. Stat., c. 47, s. 52, subs. 3, amended.

(3) In unsurveyed territory land covered with water may be included in a claim in the same way as land not covered with water; and in a surveyed township, land covered with water which would, if not covered with water, have been comprised in the area of the lot, quarter-section or subdivision of a section, or have constituted a lot, quarter-section, or subdivision of a section, may be included in a claim as if it were in fact part of such lot, quarter-section, or subdivision of a section; but wherever a claim includes land covered with or bordering on water there may be reserved to the Crown, the surface rights along the shore not exceeding 200 feet in perpendicular width from the water's edge and such other rights of access and passage to, from and over the water as to the Minister may seem desirable, and in the case of navigable water a lease or license only to extract the ore or mineral, and not a patent, shall be granted. Claims including lands covered with water.

(2) The said section 52 is further amended by adding thereto the following subsection: Rev. Stat., c. 47, s. 52, amended.

Leases under
subs. 3 sub-
ject to s. 47.

- (4) A lease issued under subsection 3 shall be subject to section 47.

Rev. Stat.,
c. 47, s. 57,
subs. 1a,
cl. a
(1947,
c. 66, s. 6,
subs. 1),
amended.

3. Clause *a* of subsection 1a of section 57 of *The Mining Act*, as enacted by subsection 1 of section 6 of *The Mining Amendment Act, 1947*, is amended by inserting after the article "the" in the third line the word "Patricia", so that the clause shall read as follows:

- (a) where the claim is situated in part of the territorial district of Kenora (Patricia portion), not included in the Patricia, Red Lake or Kenora mining division, not later than sixty days from the date of staking; and

. . . :

Rev. Stat.,
c. 47, s. 78,
subs. 6
(1947,
c. 66, s. 10),
re-enacted.

4.—(1) Subsection 6 of section 78 of *The Mining Act*, as re-enacted by section 10 of *The Mining Amendment Act, 1947*, is repealed and the following substituted therefor:

Work to be
performed
on claims.

- (6) A licensee may perform or cause to be performed on one or more claims all of the work required to be performed in respect of not more than nine contiguous claims recorded in his name, and the reports of work and affidavits to be filed in respect of such work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied.

Idem.

- (6a) Where the work is diamond drilling and the drill core is $\frac{7}{8}$ of an inch or more in diameter, or where the work is underground development consisting of shaft sinking, cross-cutting or drifting, the licensee may make application to the Minister for permission to perform such work on one or more claims for a group of not more than eighteen contiguous claims recorded in the licensee's name, and the work may be recorded in the same manner as provided in subsection 6,—

- (a) if the Minister issues a grouping certificate in the prescribed form; and
(b) if the grouping certificate is filed in the office of the recorder before the work is commenced.

Work
performed
heretofore.

Rev. Stat.,
c. 47.

(2) Notwithstanding the provisions of subsection 6a of section 78 of *The Mining Act*, as enacted by subsection 1 of this section, the Minister may issue grouping certificates within the meaning of the said subsection 6a in respect of work performed before the passing of this Act.

5. Subclause i of clause b of subsection 1 of section 107 of *The Mining Act*, as re-enacted by section 15 of *The Mining Amendment Act, 1947*, is amended by inserting after the article "the" in the third line the word "Patricia", so that the sub-clause shall read as follows:

- (i) where the area staked out is situated in any part of the territorial district of Kenora (Patricia portion), not included in the Patricia, Red Lake or Kenora mining division, or in any territorial district not included in a mining division, within sixty days from the date of staking out, and

.

6. This Act may be cited as *The Mining Amendment Act*, Short title. 1950.

BILL

An Act to amend The Mining Act.

1st Reading

February 24th, 1950

2nd Reading

March 1st, 1950

3rd Reading

March 8th, 1950

MR. GEMMELL

No. 73

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to protect Home Owners' Equities.

MR. ELLIS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of the Bill is to provide relief for mortgagors and purchasers of farms and dwellings who have suffered substantial impairment of income owing to illness or unemployment or any other cause beyond their control, or a dependant of such persons. Any such person may make an application to a judge for stay of proceedings taken under a mortgage or agreement to purchase upon such terms as the judge may think fit.

BILL

An Act to protect Home Owners' Equities.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "action or proceeding" shall include proceedings by way of foreclosure, or sale under power of sale, execution on any judgment or order of any court, distress, forfeiture, judgment or order for possession, or any other judgment or order of any court or otherwise, relating to any mortgage, contract or agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof;
- (b) "judge" shall mean judge of the county or district court except in the Counties of York and Carleton where it shall mean Master and local master of the Supreme Court respectively; and
- (c) "substantial impairment of income" shall mean substantial impairment of income in respect of the twelve-month period immediately preceding an application under this Act as compared with the average annual income for the five years preceding the year in which the application is made.

2.—(1) Subject to the provisions of section 9, the provisions of this Act shall apply to a mortgage, contract or agreement for sale or purchase, or a renewal or extension thereof, of any land or any interest therein where,

Application
of Act.

- (a) the mortgagor, purchaser or any other person liable to make payments thereunder is a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person, and owns and resides upon and occupies the land or premises covered by such mortgage, contract, agreement or renewal or extension thereof; and

- (b) such mortgage, contract, agreement, renewal or extension was made or entered into prior to the 1st day of March, 1950.

Idem.

(2) The provisions of this Act shall apply to,

- (a) a one- or two-family dwelling house owned by a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of such person, and in which he resides;
- (b) premises owned by a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person, in which he carries on exclusively a retail business or petty trade and which in addition contains one or two self-contained apartments in one of which he resides; and
- (c) farm land owned by a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person, upon which he resides and which is used for general farming, dairying, fruit farming, market gardening, poultry raising or any other agricultural purpose.

Applications
for stay
of action.

3. In any action or proceeding,

- (a) arising out of default in payment of principal or interest due under, or out of any other breach of, the terms of a mortgage, agreement for sale or purchase, or a renewal or extension thereof, of any land or interest therein; and
- (b) commenced or continued while the mortgagor, purchaser or other person who is a defendant is a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person,

an application may be made to the judge for a stay or postponement of the action or proceedings by such person.

Notice.

4.—(1) The judge in his absolute discretion may give directions as to the service of notice of the hearing of the application upon any person whom he deems to be a proper party of the proceedings, and may adjourn the hearing for that purpose, or he may dispense with notice of the application upon any such person and proceed with the hearing.

(2) Upon service of notice of the hearing of the application hereunder upon the person who commenced or continued the action or proceeding, the action or proceeding shall *ipso facto*, be stayed pending the final disposition of such application. Stay of action.

5.—(1) Upon the hearing of the application if the judge is of opinion that the applicant's inability to make such payment or perform such other terms is attributable to the fact that he is a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, he may in his absolute discretion make such order as he deems proper, having regard to the position of all the parties, staying or postponing the action or proceedings for such time, upon such terms and conditions as he thinks fit. Powers of judge.

(2) Without derogating from the powers vested in the judge under subsection 1, the judge may, Idem.

(a) determine,

(i) the value of the interest of the applicant in the premises in respect of which the application is made, and

(ii) the fair rental value of the premises; and

(b) order that an amount representing the fair rental value together with any other amounts paid out in respect of the premises for taxes and necessary repairs to and maintenance of the premises by the mortgagee or vendor, his assignee or personal representative shall from time to time be charged against the amount representing the value of the interest of the applicant in the premises and that the applicant shall be permitted to occupy the premises until such last-mentioned amount is thereby exhausted.

6. No costs shall be allowed by the judge on any hearing and no fees payable to the Crown, whether collected by law stamps or otherwise shall be charged or collected upon any application under this Act. Costs, etc.

7. If the terms of any order made under this Act in any action or proceeding are not complied with by the applicant, such action or other proceedings may continue and shall be deemed for all purposes other than the purposes of *The Limitations Act*, to have commenced as and from the date of the failure to comply with the terms of such order, and not from the date when the action or other proceedings were taken. Non-compliance with order.

Additional powers.

8. Where an action or proceeding has been taken upon a mortgage or contract to which this Act applies, upon the trial of any issue arising in the action or proceeding, the court, whether or not an application or order has been made as provided by section 4, may exercise the discretion and make the order provided for by section 5.

Where Act not to apply.

9. This Act shall not apply to loans made under *The Dominion Housing Act, 1935* (Canada), *The National Housing Act, 1938* (Canada), or *The National Housing Act, 1944* (Canada).

Dependants.

10. Any dependant of a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control shall be entitled to the benefits accorded to a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, by this Act if the judge is of opinion that the inability of the dependant to comply with the term of a mortgage, contract or agreement for sale or purchase, or renewal or extension thereof, as the case may be, is attributable to the fact that the person upon whom he is dependent has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control.

Stay of actions.

11. Any action or proceeding against any person liable as principal or guarantor or otherwise upon any covenant or agreement as principal or guarantor or otherwise, whether express or implied under any mortgage, contract or agreement for sale or purchase, or a renewal or extension thereof, of any land or any interest therein coming within the provisions of this Act shall, *ipso facto*, be stayed pending the final disposition of any application and during the period for which relief has been granted under this Act.

Suspension, etc., of orders.

12. An order made under this Act may, if subsequent circumstances render it just so to do, be suspended, discharged, varied or altered upon application to the judge on such notice to such persons as the judge shall direct.

Judge's powers.

13. The powers conferred by this Act shall be in addition to and not in derogation of any other powers of the judge.

Where application to be made.

14. An application under this Act shall be made in the county or district in which the land is situate.

Rules.

15. Subject to the approval of the Lieutenant-Governor in Council the Rules Committee may make rules,

- (a) prescribing the particulars and the form thereof, to be furnished by an applicant for relief under any of the provisions of this Act;

(b) regulating the practice and procedure under this Act;
and

(c) generally for the better carrying out of the provisions
of this Act.

16. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

17. This Act may be cited as *The Mortgage Moratorium Act, 1950*. Short title.

BILL

An Act to protect Home Owners'
Equities.

1st Reading

February 24th, 1950

2nd Reading

3rd Reading

MR. ELLIS

No. 74

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Workmen's Compensation Act.

MR. DOWLING

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The Workmen's Compensation Amendment Act, 1949 increased compensation from 66 $\frac{2}{3}$ per cent of earnings to 75 per cent of earnings, but provided that the higher rate should be payable only in respect of accidents occurring after January 1st, 1950. The purpose of this Bill is to eliminate that restriction and to put the workman who was injured before that date on the same footing as those who are injured after that date.

No. 74

1950

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Workmen's Compensation Act* is amended by adding thereto the following section: Rev. Stat.,
c. 204,
amended.

41. Notwithstanding subsection 2 of section 5 of *The Workmen's Compensation Amendment Act, 1949*, the Application
of compensa-
tion rates. rates of compensation payable under sections 38, 39 and 40 shall apply to all compensation payments accruing after the coming into effect of this section, whether the accident happened before or happens after that date, and whether the award of compensation was made before or is made after that date, but nothing in this section shall entitle any person to claim additional compensation for any period prior to the coming into effect of this section.

2. This Act shall come into force on the day it receives the Commence-
ment of Act. Royal Assent.

3. This Act may be cited as *The Workmen's Compensation Amendment Act, 1950*. Short title.

An Act to amend The Workmen's
Compensation Act.

1st Reading

February 24th, 1950

2nd Reading

3rd Reading

MR. DOWLING

No. 75

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Mining Tax Act.

MR. GEMMELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This amendment will allow the deductions mentioned to be made in respect of mines that come into production before the end of 1952.

SECTION 2. Hereafter such parcels must have an area of two acres or less in order to be exempt.

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4a of section 4 of *The Mining Tax Act*, as enacted by subsection 3 of section 2 of *The Mining Tax Amendment Act, 1947*, is amended by striking out the figures "1949" in the fifth line and inserting in lieu thereof the figures "1952", so that the subsection, exclusive of the clauses, shall read as follows:

Rev. Stat.,
c. 28, s. 4,
subs. 4a
(1947,
c. 67, s. 2,
subs. 3),
amended.

(4a) Where the Minister is satisfied that a mine operating on mineral deposits which are not bedded deposits came into production on a day during the period commencing on the 1st day of January, 1944, and ending on the 31st day of December, 1952, he may allow a deduction from the aggregate tax payable under subsection 3 of an amount not exceeding fifty per centum thereof, in respect of any period not exceeding the first three years after the day the mine came into production, provided that,—

Deduction
from tax.

2. Subsection 2 of section 14 of *The Mining Tax Act*, as re-enacted by section 3 of *The Mining Tax Amendment Act, 1946*, is amended by striking out the words "where they" in the seventh line and inserting in lieu thereof the words "on parcels of more than two acres in area where the mining rights", so that the subsection shall read as follows:

Rev. Stat.,
c. 28, s. 14,
subs. 2
(1946,
c. 56, s. 3),
amended.

(2) No such tax shall be payable in respect of the mining rights in, upon or under any lands situated within the limits of a municipality where such lands have been laid out as a townsite or subdivided into lots or parcels for city, town, village, park or summer resort purposes, but this subsection shall not exempt the mining rights from taxation on parcels of more than two acres in area where the mining rights are severed or held apart or separate from the surface rights.

Mining
rights in
municipality
exempted.

Rev. Stat.,
c. 28, s. 20,
re-enacted.

3. Section 20 of *The Mining Tax Act*, as amended by section 5 of *The Mining Tax Amendment Act, 1945* and section 2 of *The Mining Tax Amendment Act, 1948*, is repealed and the following substituted therefor:

Defaulters
list and
notice of
forfeiture.

20.—(1) The Deputy Minister shall cause to be prepared between the 1st day of October and the 31st day of December of each year, a list of all mining lands, mining locations, mining claims, mining rights and other lands in respect of which any acreage tax imposed under this Act is two years or more in arrear, and, not later than the 15th day of April next following, shall cause to be mailed by registered post, a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner of the property in default and to every person appearing from such search or inquiry to have an interest therein, stating that unless the total amount of tax and penalties due and payable under this Act are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following; and to the amount so due and payable there shall in every case be added and paid as costs, the sum of \$5 for each property.

Publication
of list and
notice.

(2) Not later than the 15th day of May of each year, the Deputy Minister shall cause the list prepared under subsection 1 to be published in one issue of *The Ontario Gazette* and in one issue of a newspaper published in the district or county in which the property is situate, giving notice that unless the total amount of tax, penalties and costs shown therein are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following.

Declaration
of forfeiture.

(3) Where the total amount of tax, penalties and costs remain unpaid after the 31st day of December of the year of publication of the notice mentioned in subsection 2, the Minister by certificate under his hand and seal of office may on or after the 1st day of January next following declare the mining lands, mining locations, mining claims, mining rights, or other lands forfeited to and vested in the Crown, and thereupon the patent or lease or other title whereby such lands or rights were granted shall be cancelled and annulled and the premises comprised therein shall vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing,

SECTION 3. The procedure for forfeiting mining lands and mining rights to the Crown for non-payment of acreage tax is revised.

arising or accruing before or after such forfeiture is declared, and shall not be open to prospecting, staking out, sale or lease, except as provided in subsection 6.

- (4) The registrar of the registry division in which any land or right mentioned in a certificate of forfeiture made under this section is situate, or the local master of titles, as the case may be, shall upon receipt of the certificate, duly register the same and it shall be absolute and conclusive evidence of the forfeiture to the Crown of the land or mining right so certified to be forfeited and shall not be open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture. Registration of certificate.
- (5) Upon registration of the certificate of forfeiture in the registry or land titles office, *The Registry Act* or *The Land Titles Act*, as the case may be, shall cease to apply to the land forfeited, and the registrar or local master of titles shall note that fact in his register in red ink. Rev. Stat., cc. 170, 174 not to apply to forfeited lands.
- (6) The mining lands, mining locations, mining claims, mining rights, and other lands forfeited to and vested in the Crown under this section that are mentioned in a notice published in one issue of *The Ontario Gazette* during May of any year, shall be open to prospecting, staking out, sale or lease on and after the 1st day of June next following. Opening forfeited lands for prospecting, etc.

4. This Act may be cited as *The Mining Tax Amendment Act, 1950*. Short title.

An Act to amend The Mining Tax Act.

1st Reading

February 24th, 1950

2nd Reading

3rd Reading

MR. GEMMELL

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Mining Tax Act.

MR. GEMMELL

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4a of section 4 of *The Mining Tax Act*, as enacted by subsection 3 of section 2 of *The Mining Tax Amendment Act, 1947*, is amended by striking out the figures "1949" in the fifth line and inserting in lieu thereof the figures "1952" so that the subsection, exclusive of the clauses, shall read as follows:

- (4a) Where the Minister is satisfied that a mine operating on mineral deposits which are not bedded deposits came into production on a day during the period commencing on the 1st day of January, 1944, and ending on the 31st day of December, 1952, he may allow a deduction from the aggregate tax payable under subsection 3 of an amount not exceeding fifty per centum thereof, in respect of any period not exceeding the first three years after the day the mine came into production, provided that,—
- Deduction
from tax.

2. Subsection 2 of section 14 of *The Mining Tax Act*, as re-enacted by section 3 of *The Mining Tax Amendment Act, 1946*, is amended by striking out the words "where they" in the seventh line and inserting in lieu thereof the words "on parcels of more than two acres in area where the mining rights", so that the subsection shall read as follows:

- (2) No such tax shall be payable in respect of the mining rights in, upon or under any lands situated within the limits of a municipality where such lands have been laid out as a townsite or subdivided into lots or parcels for city, town, village, park or summer resort purposes, but this subsection shall not exempt the mining rights from taxation on parcels of more than two acres in area where the mining rights are severed or held apart or separate from the surface rights.
- Mining
rights in
municipality
exempted.

Rev. Stat.,
c. 28, s. 20,
re-enacted.

3. Section 20 of *The Mining Tax Act*, as amended by section 5 of *The Mining Tax Amendment Act, 1945* and section 2 of *The Mining Tax Amendment Act, 1948*, is repealed and the following substituted therefor:

Defaulters
list and
notice of
forfeiture.

20.—(1) The Deputy Minister shall cause to be prepared between the 1st day of October and the 31st day of December of each year, a list of all mining lands, mining locations, mining claims, mining rights and other lands in respect of which any acreage tax imposed under this Act is two years or more in arrear, and, not later than the 15th day of April next following, shall cause to be mailed by registered post, a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner of the property in default and to every person appearing from such search or inquiry to have an interest therein, stating that unless the total amount of tax and penalties due and payable under this Act are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following; and to the amount so due and payable there shall in every case be added and paid as costs, the sum of \$5 for each property.

Publication
of list and
notice.

(2) Not later than the 15th day of May of each year, the Deputy Minister shall cause the list prepared under subsection 1 to be published in one issue of *The Ontario Gazette* and in one issue of a newspaper published in the district or county in which the property is situate, giving notice that unless the total amount of tax, penalties and costs shown therein are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following.

Declaration
of forfeiture.

(3) Where the total amount of tax, penalties and costs remain unpaid after the 31st day of December of the year of publication of the notice mentioned in subsection 2, the Minister by certificate under his hand and seal of office may on or after the 1st day of January next following declare the mining lands, mining locations, mining claims, mining rights, or other lands forfeited to and vested in the Crown, and thereupon the patent or lease or other title whereby such lands or rights were granted shall be cancelled and annulled and the premises comprised therein shall vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing,

arising or accruing before or after such forfeiture is declared, and shall not be open to prospecting, staking out, sale or lease, except as provided in subsection 6.

- (4) The registrar of the registry division in which any land or right mentioned in a certificate of forfeiture made under this section is situate, or the local master of titles, as the case may be, shall upon receipt of the certificate, duly register the same and it shall be absolute and conclusive evidence of the forfeiture to the Crown of the land or mining right so certified to be forfeited and shall not be open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture. Registration of certificate.
- (5) Upon registration of the certificate of forfeiture in the registry or land titles office, *The Registry Act* or *The Land Titles Act*, as the case may be, shall cease to apply to the land forfeited, and the registrar or local master of titles shall note that fact in his register in red ink. Rev. Stat., cc. 170, 174 not to apply to forfeited lands.
- (6) The mining lands, mining locations, mining claims, mining rights, and other lands forfeited to and vested in the Crown under this section that are mentioned in a notice published in one issue of *The Ontario Gazette* during May of any year, shall be open to prospecting, staking out, sale or lease on and after the 1st day of June next following. Opening forfeited lands for prospecting, etc.

4. This Act may be cited as *The Mining Tax Amendment Act*, 1950. Short title.

BILL

An Act to amend The Mining Tax Act.

1st Reading

February 24th, 1950

2nd Reading

March 1st, 1950

3rd Reading

March 8th, 1950

MR. GEMMELL

No. 76

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Power Commission Act.

MR. HOUCK

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 76

1950

BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat., c. 62, s. 2, re-enacted.
2. The Commission shall, for the purposes herein mentioned, continue to be a body corporate and shall consist of five persons appointed by the Lieutenant-Governor in Council, two of whom may be members and one of whom shall be a member of the Executive Council of Ontario. Two of such members shall be appointed annually on the recommendation of the Ontario Municipal Electrical Association. Constitution of Commission.
2. *The Power Commission Amendment Act, 1947* is repealed. 1947, c. 78, repealed.
3. This Act may be cited as *The Power Commission Amendment Act, 1950*. Short title.

BILL

An Act to amend The Power
Commission Act.

1st Reading

February 24th, 1950

2nd Reading

3rd Reading

MR. HOUCK

No. 77

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Workmen's Compensation Act.

MR. EASTON

EXPLANATORY NOTE

The purpose of this Bill is to reduce the waiting period before compensation may be paid from seven to three days.

No. 77

1950

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 2 of *The Workmen's Compensation Act* is amended by striking out the word "seven" in the second line and inserting in lieu thereof the word "three", so that the clause shall read as follows:

(a) does not disable the workman for the period of at least three days from earning full wages at the work at which he was employed; or

.

2. This Act shall come into force on the day it receives the Royal Assent.

Commence-
ment of Act.

3. This Act may be cited as *The Workmen's Compensation Amendment Act, 1950*.

Short title.

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

February 24th, 1950

2nd Reading

3rd Reading

MR. EASTON

No. 78

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Conveyancing and Law of Property Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 78

1950

BILL

An Act to amend The Conveyancing and Law of Property Act.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. *The Conveyancing and Law of Property Act* is amended Rev. Stat.,
c. 152,
amended.
by adding thereto the following section:

Restrictive Covenants.

20a. Every covenant made after this section comes into
force which but for this section would be annexed Covenants
to restrict
use of land
because of
race or
creed.
to and run with land and which restricts the sale,
ownership, occupation or use of land because of the
race or creed of any person shall be void and of no
effect.

2. This Act may be cited as *The Conveyancing and Law of* Short title.
Property Amendment Act, 1950.

BILL

An Act to amend The Conveyancing and
Law of Property Act.

1st Reading

February 28th, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 78

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Conveyancing and Law of Property Act.

MR. PORTER

(Reprinted as amended in Committee of the Whole House.)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 78

1950

BILL

An Act to amend The Conveyancing and Law of Property Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conveyancing and Law of Property Act* is amended by adding thereto the following section: Rev. Stat.,
c. 152,
amended.

Restrictive Covenants.

- 20a. Every covenant made after this section comes into force which but for this section would be annexed to and run with land and which restricts the sale, ownership, occupation or use of land because of the race, creed, colour, nationality, ancestry or place of origin of any person shall be void and of no effect. Covenants
to restrict
use of land
because of
race or
creed.



2. This Act shall come into force on the day it receives the Royal Assent. Commence-
of Act.



3. This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1950*. Short title.

BILL

An Act to amend The Conveyancing and
Law of Property Act.

1st Reading

February 28th, 1950

2nd Reading

March 22nd, 1950

3rd Reading

MR. PORTER

*(Reprinted as amended in Committee of the
Whole House).*

No. 78

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Conveyancing and Law of Property Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 78

1950

BILL

An Act to amend The Conveyancing and Law of Property Act.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

- 1.** *The Conveyancing and Law of Property Act* is amended by adding thereto the following section: Rev. Stat.,
c. 152,
amended.

RESTRICTIVE COVENANTS

- 20a.** Every covenant made after this section comes into force which but for this section would be annexed to and run with land and which restricts the sale, ownership, occupation or use of land because of the race, creed, colour, nationality, ancestry or place of origin of any person shall be void and of no effect. Covenants
to restrict
use of land
because of
race or
creed.

- 2.** This Act shall come into force on the day it receives the Royal Assent. Commence-
of Act.

- 3.** This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1950.* Short title.

BILL

An Act to amend The Conveyancing and
Law of Property Act.

1st Reading

February 28th, 1950

2nd Reading

March 22nd, 1950

3rd Reading

March 24th, 1950

MR. PORTER

No. 79

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The High Schools Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This amendment is to make it clear that the cost of providing transportation for all pupils shall be included in the cost of operating a school.

SECTION 2. This subsection authorized certain high school boards to establish and maintain schools. Section 7*d* of the Act (as enacted by section 7 of this Bill) now deals with the establishment and maintenance of schools by all high school boards.

No. 79

1950

BILL

An Act to amend The High Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause g of subsection 1 of section 1 of *The High Schools Act*, as amended by subsection 2 of section 10 of *The School Law Amendment Act, 1938* and section 3 of *The School Law Amendment Act, 1944*, is further amended by striking out the words "and shall also include" in the sixteenth and seventeenth lines and by adding at the end thereof the words "the cost of providing transportation for pupils", so that the clause shall read as follows:

- (g) "Maintenance" shall include repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; any sums spent for medical and dental inspection and dental treatment; fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the high school district; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations; gratuities and retiring allowances granted to teachers, officers and other employees; the cost of providing transportation for pupils.

2. Subsection 5 of section 4 of *The High Schools Act*, as re-enacted by section 1 of *The High Schools Amendment Act, 1947*, is repealed.

Rev. Stat.,
c. 360,
amended.

3. *The High Schools Act* is amended by adding thereto the following section:

Minimum
size of
districts.

4a.—(1) No high school district shall be established for an area in which the enrolment of pupils in the public and separate schools is less than six hundred, unless the area contains more than fifteen school sections or is situated on an island.

County
school maps.

(2) During the month of December in each year, every county clerk shall prepare a map of the county showing the boundaries of each high school district within or partly within the county as they will exist on the 1st day of January of the following year.

By-laws
establishing
or altering
districts.

(3) Where a new high school district is established in a county or the boundaries of an existing high school district in a county are altered, the county clerk shall forward a copy of the by-law establishing or altering the district, not later than the 1st day of January next following the passing of the by-law, to,

(a) the Minister;

(b) the secretary of the board of the new district or of the district of which the boundaries are altered; and

(c) the clerk of each municipality which or any part of which is situated within the new district or the district of which the boundaries are altered.

Rev. Stat.,
c. 360, s. 5,
subs. 1
(1947,
c. 42, s. 1),
re-enacted.

4. Subsection 1 of section 5 of *The High Schools Act*, as re-enacted by section 1 of *The High Schools Amendment Act, 1947*, is repealed and the following substituted therefor:

Enlargement
of districts.

(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties, in one or more of which a high school district has been established, may by by-law provide that the whole or any part of any municipality or municipalities situate within the county or counties and adjoining the high school district shall be added to the high school district.

Rev. Stat.,
c. 360, s. 6,
subs. 1
(1947,
c. 42, s. 1),
re-enacted.

5. Subsection 1 of section 6 of *The High Schools Act*, as re-enacted by section 1 of *The High Schools Amendment Act, 1947*, is repealed and the following substituted therefor:

SECTION 3. Self-explanatory.

SECTION 4. This amendment removes the requirement that a district may be enlarged only upon the request of the council of the municipality which or part of which is to be added to the district.

SECTION 5. The change effected by the re-enactment of the subsection ensures that any part of a high school district detached from that district shall be included in another district and permits county councils to detach the area without being requested to do so by the council of the municipality which or part of which is to be detached.

SECTION 6—Subsection 1. As the new section 7*d* (enacted by section 7 of this Bill) provides that every board, wherever situate, shall establish a high school or vocational school, the reference to the establishment of a school has been deleted, and as no continuation school is now maintained in a city or separated town, the reference to continuation schools in cities and separated towns is removed.

Subsection 2. This subsection has been included in section 7*d* (enacted by section 7 of this Bill) covering the establishment of high schools and vocational schools by all boards.

SECTION 7. The new section 7*d* makes it compulsory for a high school board to erect a high or vocational school, with certain exceptions.

- (1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties which has or have established a high school district may by by-law detach from the high school district the whole or any part of any municipality which forms part thereof and shall add the municipality or part to another district, and any such by-law shall be passed on or before the 1st day of July in any year and shall take effect on the 1st day of January next following the passing of the by-law, unless otherwise provided therein.
- Decreasing
area of
districts.

6.—(1) Subsection 1 of section 7 of *The High Schools Act*, Rev. Stat., c. 360, s. 7, as re-enacted by section 1 of *The High Schools Amendment Act, 1947*, is amended by striking out all the words after the word "district" in the third line, so that the subsection shall read as follows:

subs. 1
(1947,
c. 42, s. 1),
amended.

- (1) Subject to the provisions of subsection 3, every city and separated town is hereby established as a high school district.
- City and
separated
town to be
district.
Rev. Stat.,
c. 360, s. 7,
subs. 2
(1947,
c. 42, s. 1),
repealed.
- (2) Subsection 2 of the said section 7 is repealed.

7. *The High Schools Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 360,
amended.

- 7d.—(1) Every board shall establish and maintain a high or vocational school in the high school district in which it has jurisdiction and may establish and maintain such additional schools as the board may deem necessary, and, subject to section 42, may provide for the location, erection, maintenance and management of the schools so established.
- Establish-
ment and
maintenance
of schools.

- (2) Notwithstanding subsection 1,—
- Exceptions.
- (a) the board of a district adjoining a city or separated town may, in lieu of establishing and maintaining a school, arrange for the instruction of its pupils at a high or vocational school in the city or separated town and may enter into an agreement with the board of the city or separated town to pay for the cost of their education;
- (b) the board of a district in a territorial district may, in lieu of establishing and maintaining a school, arrange for the instruction of its pupils at the nearest high or vocational school, and may enter into an agreement with the board of such school to pay for the cost of their education.

Where no
school
maintained.

- (3) Subject to clause *a* of subsection 2, in the event of the failure of the board of a district in a county to operate a school for any period of two years, the county council or councils by which the district was established shall by by-law discontinue the district and include it in one or more adjoining districts.

Rev. Stat.,
c. 360, s. 23,
subs. 1, re-
enacted.

8. Subsection 1 of section 23 of *The High Schools Act*, as amended by subsection 1 of section 8 of *The High Schools Amendment Act, 1949*, is repealed and the following substituted therefor:

Security by
officers of
board.

- (1) Every treasurer, secretary-treasurer and collector, and, if required by the board, every other officer of the board shall give security for the faithful performance of his duties.

Form of
security.

Rev. Stat.,
c. 263.

- (1a) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*.

Rev. Stat.,
c. 360, s. 24,
cl. o, re-
pealed.

9. Clause *o* of section 24 of *The High Schools Act* is repealed.

Rev. Stat.,
c. 360, s. 25,
subs. 1,
amended.

10. Subsection 1 of section 25 of *The High Schools Act*, as amended by section 16 of *The Statute Law Amendment Act, 1942*, is further amended by adding thereto the following clauses:

Investment
of funds.

- (f) invest any proceeds from an insurance claim or any moneys received for any special purposes through legacy, gift or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*;

Rev. Stat.,
c. 165.

Insurance.

- (g) to contribute, as deemed expedient, towards providing life insurance for employees of the board or any class thereof, and to make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board.

Rev. Stat.,
c. 360, s. 34,
re-enacted.

11.—(1) Section 34 of *The High Schools Act* is repealed and the following substituted therefor:

Pensions.

- 34.—(1) The board, by resolution, may provide, by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both His Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children.

R.S.C., c. 7.
Rev. Stat.,
c. 256.

SECTION 8. The provision requiring security is enlarged to cover other board officers in addition to treasurers, and the security is to be the same as that required from officers of a municipality.

SECTION 9. The authority given to boards to contribute towards life insurance for teachers and officers is re-enacted in broader form as clause *g* of subsection 1 of section 25, by section 10 of this Bill.

SECTION 10. The new clause *f* re-enacts in broader form the power to invest moneys formerly contained in subsection 7 of section 34 of the Act. The new clause *g* re-enacts in broader form the power to insure employees formerly contained in clause *o* of section 24 of the Act, and gives a new power respecting accident insurance in respect of injuries to pupils for which the board may be liable.

SECTION 11—Subsection 1. The new section 34 authorizes high school boards to provide pensions for its employees, other than teachers and inspectors. The new section 34*a* authorizes boards to set up systems of sick leave credits for employees.

Subsections 2 and 3. These provisions validate, under the circumstances set out, pension schemes and sick leave credit systems already established.

SECTION 12—Subsection 1. The re-enactment of clause *c* removes the authority for a county to contribute towards the cost of education of county pupils on the basis of 80 per centum of the capital expenditure of a school board. Under the amendment, the county must contribute on the basis of 100 per centum for both capital and maintenance.

(2) In this section, "employee" does not include a teacher "Employee". or an inspector.

(3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister. Approval of Minister.

(4) The board shall make such payments or contributions to the scheme as are provided for in the resolution. Contributions by board.

(5) The board shall deduct from the salary, wages or other remuneration of every employee to whom the scheme is applicable, the amount which the employee is required by the resolution to contribute. Deduction of contributions.

34a.—(1) The board, by resolution, may establish a system of sick leave credit gratuities and payments for the regular attendance of employees or any class thereof. Sick leave credits.

(2) No resolution passed under subsection 1 shall become operative until approved by the Minister, nor shall any resolution so passed and approved be amended or repealed without the approval of the Minister. Approval of Minister.

(2) Any pension scheme heretofore established by a board and approved by the Superintendent of Insurance which conforms to section 34 of *The High Schools Act*, as re-enacted by subsection 1 of this section, and which is approved by the Minister, shall be deemed to have been validly established as of the date of the approval of the Superintendent of Insurance. Existing pension schemes validated.

(3) Any sick leave credit system heretofore established by a board which conforms to section 34a of *The High Schools Act*, as enacted by subsection 1 of this section, and which is approved by the Minister, shall be deemed to have been validly established as of the date of its establishment. Existing sick leave systems validated.

12.—(1) Clause *c* of subsection 1 of section 36 of *The High Schools Act*, as amended by subsection 1 of section 12 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 36, subs. 1, cl. c, re-enacted.

(c) Thirdly, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b*, and the resultant amount ascertained after such

deduction shall be the net sum upon which the cost of education of such county pupils shall be based and calculated.

Rev. Stat., c. 360, s. 36, subs. 2, cl. *a* (1939, c. 44, s. 12, subs. 2), re-enacted. (2) Clause *a* of subsection 2 of the said section 36, as re-enacted by subsection 2 of section 12 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor:

- (a) the cost of education to be paid by the council of the county of which they are county pupils shall be calculated in the manner provided in subsection 1 and the cost of education to be paid by the board of the high school district or continuation school district of which they are resident pupils shall be calculated in the manner provided in subsection 1 except that legislative grants shall not be deducted as provided in clause *c* thereof.

Rev. Stat., c. 360, s. 36, subs. 2, cl. *b* (1939, c. 44, s. 12, subs. 2), amended. (3) Clause *b* of subsection 2 of the said section 36 is amended by striking out the words "one school year" in the thirteenth line and inserting in lieu thereof the words "two school years", so that the clause shall read as follows:—

- (b) the board may, prior to the 30th day of June in any year, give notice in writing to the clerk of the county in which any county pupils reside and to the secretary of the high school board or continuation school board for the high school district or grade A or grade B continuation school section in which any resident pupils reside that such high school will no longer be open to such county and resident pupils and upon the giving of such notice such county and resident pupils may continue to attend such high school only until the expiration of two school years after the 30th day of June in such year.

Rev. Stat., c. 360, s. 38, subs. 1, amended. **13.** Subsection 1 of section 38 of *The High Schools Act*, as amended by section 9 of *The School Law Amendment Act, 1941* and section 12 of *The School Law Amendment Act, 1945*, is further amended by striking out the words "Subject to the provisions of subsection 2 of section 37" in the amendment of 1941, so that the subsection, exclusive of the clauses, shall read as follows:

Cost of education of county pupils, — how to be provided.

- (1) The cost of education of county pupils to be paid by the council of a county shall be provided, borne, calculated, and as part of the county rates be levied in the following municipalities and in the following manner:

.

Subsection 2. The computation of the cost of education of county pupils attending school in a municipality separated from the county or in a municipality in an adjoining county will continue on the net basis (after deducting legislative grants), whereas the cost of education of resident pupils so attending school will now be on the gross basis (before deducting legislative grants).

Subsection 3. The amendment extends from one year to two years the time for terminating the right of county and resident pupils to attend a high school, in a city or separated town or in an adjoining county, which has been declared open to such pupils.

SECTION 13. Section 37 was repealed in 1949.

SECTION 14. This re-enactment of sections 42 and 43 of *The High Schools Act* contains only two changes in principle. The procedure where one municipality offers to assume a greater obligation than its share of the expenses of the high school district is clarified in subsection 4 of the new section 43a, and new provisions are added for an arbitration where one of the municipalities believes the normal division of responsibility to be inequitable (section 43a, subsections 5-11).

14. Section 42 as re-enacted by section 3 of *The High Schools Rev. Stat.,*
Amendment Act, 1947 (No. 2) and amended by section 12 *c. 360, s. 42*
 of *The High Schools Amendment Act, 1949*, and section 43 as *(1947, c. 43, s. 3),*
 amended by section 10 of *The High Schools Amendment Act, s. 43, re-*
1946, section 4 of *The High Schools Amendment Act, 1947 enacted.*
(No. 2) and section 13 of *The High Schools Amendment Act,*
1949, of *The High Schools Act* are repealed and the following
 substituted therefor:

DEBENTURES.

- 42.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein, and all sums required to pay off the debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district. Debentures for permanent improvements.
- (2) The application shall be made to the council or councils having jurisdiction in the high school district, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid. Application by board to council.
- (3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council. Council to deal with application.
- (4) If the council, or a majority of the councils where there are more than one, approve of the application, the council of the municipality within which the high school is or is to be situate shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures. Issue of debentures. Rev. Stat., c. 266.
- (5) If the council, or half or a majority of the councils where there are more than one, disapprove of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality or of the Submission of application to ratepayers.

part thereof included in the high school district in the manner provided by *The Municipal Act* in the case of a money by-law.

When vote favourable.

- (6) If a majority of the votes cast throughout the high school district is in favour of the application, the council of the municipality in which the high school is or is to be situate shall raise the required sum by the issue of debentures in the manner provided by *The Municipal Act* but without submitting the by-law to the electors.

Assent of electors not required.

- (7) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors.

Terms of debentures.

- (8) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority of them shall if the board has so requested and may, with or without such request, make the debenture debt payable by annual or other instalments in the manner provided by *The Municipal Act*.

"Majority" defined.

- (9) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsection 8.

APPORTIONMENT AND COLLECTION OF RATES.

Rates for current purposes.

43. The council or councils of the municipality or municipalities included in a high school district shall levy and collect each year and transfer to the board from time to time as required, but not later than the 15th day of December, such amount as the board may deem necessary for,—

- (a) maintenance of the school or schools under the jurisdiction of the board;
- (b) payment of fees for which the board is liable in respect of resident pupils attending other schools; and

- (c) capital expenditure out of current revenue not exceeding \$5,000 or for such greater sum as may be authorized by the Ontario Municipal Board,

and such amount shall be apportioned and raised in the manner provided in section 43a with respect to liability for debenture debt.

- 43a.—(1) Where a high school district comprises more than one municipality or parts thereof and the municipalities or parts form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the equalized assessment of the municipality or part bears to the equalized assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. Proportionate liability for debenture debt.
- (2) Where a high school district comprises a city or separated town and one or more other municipalities or parts thereof that form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city or separated town or the equalized assessment of the municipality or part, as the case may be, bears to the total of the assessment of the city and separated town and of the equalized assessments of the other municipalities or parts, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. Idem.
- (3) Where a high school district comprises two or more adjoining municipalities or parts thereof in a territorial district, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part bears to the total assessment of the whole district, and the council of each municipality shall levy on the property liable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. Idem.

Assumption
of larger
proportion.

- (4) Any municipality may offer to assume and may assume a greater proportion than its proportion under subsection 1, 2 or 3, and in that case the proportion of the balance to be paid by each of the other municipalities shall be such as may be agreed upon and if the councils of the other municipalities fail to agree upon the proportion within thirty days of the making of the offer, the proportion of the balance to be paid by each of the other municipalities shall be determined in accordance with subsection 1, 2 or 3, as the case may be.

Request for
arbitration.

- (5) Where the council of one of the municipalities is of opinion that the division of liability in accordance with subsections 1 to 4 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district for an arbitration.

Arbitrators.

- (6) Upon receipt of the application, the board shall direct its secretary to call a meeting of the assessors of the municipalities within or partly within the district, and the county assessors, if any, of the county or counties within which the municipalities forming part of a county for municipal purposes are situate, and these assessors shall be arbitrators to determine the proportion of liability each municipality shall bear.

Notification
of decision.

- (7) The arbitrators shall make their decision in writing and file a copy thereof with the secretary of the board who shall forthwith send a copy of the decision to the clerk of each municipality by registered post.

Costs.

- (8) The costs of the arbitration shall be in the discretion of the arbitrators and the direction of the arbitrators with respect thereto shall be included in their decision.

Reference to
Municipal
Board
where
decision
objected to.

- (9) If, within thirty days of the mailing of the copies of the decision by the secretary, the council of one of the municipalities files with the secretary a written objection to the decision of the arbitrators, the board shall refer the matter to the Ontario Municipal Board whose decision shall be final.

Effect of
decision.

- (10) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board shall be effective for a period of five years or until the boundaries of the high school district are changed or

SECTION 15. As legislative grants are no longer based on the cost of operating a school, this subsection, which deals with the method of computing the cost of operating schools for the purpose of grants, is repealed.

SECTION 16. The amendments to section 48 are designed to clarify the circumstances under which a resident pupil of a high school district may attend a secondary school outside his school district and render the board of his school district liable to pay his fees to the board of the school attended.

until the assessment of one of the municipalities is increased by more than ten per centum in any two consecutive years.

- (11) Where the matter is referred to the Ontario Municipal Board the costs of the arbitration and of the reference shall be in the discretion of that Board. Costs.

- (12) Nothing in section 42 or in this section shall prevent the municipality in which the high school is situate from assuming the full cost of permanent improvements or any part thereof or from undertaking to pay any debentures that may be issued therefor notwithstanding that such municipality forms only a part of the high school district. Municipality may assume full cost of permanent improvements.

15. Subsection 1b of section 47 of *The High Schools Act*, as enacted by subsection 2 of section 14 of *The School Law Amendment Act, 1945*, is repealed. Rev. Stat., c. 360, s. 47, subs. 1b (1945, 2nd Sess., c. 8, s. 14, subs. 2), repealed.

16.—(1) Clause *b* of subsection 2 of section 48 of *The High Schools Act*, as re-enacted by section 16 of *The High Schools Amendment Act, 1949*, is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 48, subs. 2, cl. b (1949, c. 38, s. 16), re-enacted.

- (b) any high or continuation school,
- (i) which is more accessible to the pupil than any high school in his own district, or
 - (ii) to take a course of study leading to a type of secondary school graduation diploma not available in his own district, or
 - (iii) to take a grade XIII subject or subjects not available in his own district and required by the pupil for admission to any university or teacher-training course or for the practice of any trade, profession or calling,

provided that the school is situated in his own county outside of a city or separated town, or is situated in an adjoining county or in a city or separated town in his own or an adjoining county and has been declared open to such pupils.

(2) Subsection 3 of the said section 48 is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 48, subs. 3 (1949, c. 38, s. 16), re-enacted.

- (3) A resident pupil of a high school district in a territorial district shall have the right to attend any high or continuation school in Ontario, Resident pupils in territorial districts.

- (a) which is more accessible to the pupil than any high school in his own school district; or
- (b) to take a course of study leading to a type of secondary school graduation diploma not available in his own school district; or
- (c) to take a grade XIII subject or subjects not available in his own school district and required by the pupil for admission to any university or teacher-training course or for the practice of any trade, profession or calling.

Rev. Stat.,
c. 360, s. 48,
subs. 5
(1949,
c. 38, s. 16),
repealed.

- (3) Subsection 5 of the said section 48 is repealed.

Rev. Stat.,
c. 360, s. 50
(1947,
c. 42, s. 7),
re-enacted.

17. Section 50 of *The High Schools Act*, as re-enacted by section 7 of *The High Schools Amendment Act, 1947*, is repealed and the following substituted therefor:

Admission to
grade IX.

- 50.—(1) Where a pupil has been promoted from grade VIII to grade IX in the manner prescribed by the regulations he shall be admitted to grade IX.

Idem.

- (2) An applicant who has not been promoted from grade VIII to grade IX in the manner prescribed by the regulations shall be admitted to grade IX after the principal has satisfied himself that the applicant is competent to undertake the work of that grade.

Admission to
grades X-
XIII.

- (3) An applicant for admission to grade X, XI, XII or XIII shall be admitted after the principal has satisfied himself that the applicant is competent to undertake the work of the grade to which he has applied for admission.

Reduction
in grade.

- (4) Where the principal is not satisfied that an applicant is competent to undertake the work of the grade to which the applicant has applied for admission under subsection 3, he may place him in a lower grade.

Admission
to night high
schools.

- (5) An applicant shall be entitled to enter a high school which is conducted at night if, in the opinion of the principal of the high school, after due examination or other investigation, he is competent to take up the subjects as prescribed by the Minister, but such admission shall not entitle him to admission to the high school when conducted by day.

SECTION 17. The re-enactment of section 50 is complementary to the abolition of high school entrance examinations.

SECTION 18. These sections deal with high school entrance examinations and since these are to be discontinued the sections are repealed.

SECTION 19. This section deals with advisory vocational officers and is not necessary in view of the broader provisions of section 27a of the Act.

18. Sections 51 and 52, section 53 as amended by section 15 of *The School Law Amendment Act, 1945*, and section 54 of *The High Schools Act* are repealed. Rev. Stat., c. 360, ss. 51-54, repealed.

19. Section 57 of *The High Schools Act* is repealed.

Rev. Stat., c. 360, s. 57, repealed.

20.—(1) This Act, except sections 1, 12, 14 and 16, shall come into force on the day it receives the Royal Assent. Commencement of Act.

(2) Sections 1, 12, 14 and 16 shall be deemed to have come into force on the 1st day of January, 1950. Idem.

21. This Act may be cited as *The High Schools Amendment Act, 1950*. Short title.

BILL

An Act to amend The High Schools Act.

1st Reading

February 28th, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 79

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The High Schools Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 79

1950

BILL

An Act to amend The High Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of subsection 1 of section 1 of *The High Schools Act*, as amended by subsection 2 of section 10 of *The School Law Amendment Act, 1938* and section 3 of *The School Law Amendment Act, 1944*, is further amended by striking out the words "and shall also include" in the sixteenth and seventeenth lines and by adding at the end thereof the words "the cost of providing transportation for pupils", so that the clause shall read as follows:

Rev. Stat.,
c. 360, s. 1,
subs. 1, cl. *g*,
amended.

- (*g*) "Maintenance" shall include repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; any sums spent for medical and dental inspection and dental treatment; fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the high school district; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations; gratuities and retiring allowances granted to teachers, officers and other employees; the cost of providing transportation for pupils.

2. Subsection 5 of section 4 of *The High Schools Act*, as re-enacted by section 1 of *The High Schools Amendment Act, 1947*, is repealed.

Rev. Stat.,
c. 360, s. 4,
subs. 5
(1947,
c. 42, s. 1),
repealed.

Rev. Stat.,
c. 360,
amended.

3. *The High Schools Act* is amended by adding thereto the following section:

Minimum
size of
districts.

4a.—(1) No high school district shall be established for an area in which the enrolment of pupils in the public and separate schools is less than six hundred, unless the area contains more than fifteen school sections or is situated on an island.

County
school maps.

(2) During the month of December in each year, every county clerk shall prepare a map of the county showing the boundaries of each high school district within or partly within the county as they will exist on the 1st day of January of the following year.

By-laws
establishing
or altering
districts.

(3) Where a new high school district is established in a county or the boundaries of an existing high school district in a county are altered, the county clerk shall forward a copy of the by-law establishing or altering the district, not later than the 1st day of January next following the passing of the by-law, to,

(a) the Minister;

(b) the secretary of the board of the new district or of the district of which the boundaries are altered; and

(c) the clerk of each municipality which or any part of which is situated within the new district or the district of which the boundaries are altered.

Rev. Stat.,
c. 360, s. 5,
subs. 1
(1947,
c. 42, s. 1),
re-enacted.

4. Subsection 1 of section 5 of *The High Schools Act*, as re-enacted by section 1 of *The High Schools Amendment Act, 1947*, is repealed and the following substituted therefor:

Enlargement
of districts.

(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties, in one or more of which a high school district has been established, may by by-law provide that the whole or any part of any municipality or municipalities situate within the county or counties and adjoining the high school district shall be added to the high school district.

Rev. Stat.,
c. 360, s. 6,
subs. 1
(1947,
c. 42, s. 1),
re-enacted.

5. Subsection 1 of section 6 of *The High Schools Act*, as re-enacted by section 1 of *The High Schools Amendment Act, 1947*, is repealed and the following substituted therefor:

- (1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties which has or have established a high school district may by by-law detach from the high school district the whole or any part of any municipality which forms part thereof and shall add the municipality or part to another district, and any such by-law shall be passed on or before the 1st day of July in any year and shall take effect on the 1st day of January next following the passing of the by-law, unless otherwise provided therein.
- Decreasing
area of
districts.

6.—(1) Subsection 1 of section 7 of *The High Schools Act*, as re-enacted by section 1 of *The High Schools Amendment Act, 1947*, is amended by striking out all the words after the word "district" in the third line, so that the subsection shall read as follows:

Rev. Stat.,
c. 360, s. 7,
subs. 1
(1947,
c. 42, s. 1),
amended.

- (1) Subject to the provisions of subsection 3, every city and separated town is hereby established as a high school district.
- City and
separated
town to be
district.
Rev. Stat.,
c. 360, s. 7,
subs. 2
(1947,
c. 42, s. 1),
repealed.
- (2) Subsection 2 of the said section 7 is repealed.

7. *The High Schools Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 360,
amended.

7d.—(1) Every board shall establish and maintain a high or vocational school in the high school district in which it has jurisdiction and may establish and maintain such additional schools as the board may deem necessary, and, subject to section 42, may provide for the location, erection, maintenance and management of the schools so established.

Establish-
ment and
maintenance
of schools.

- (2) Notwithstanding subsection 1,—
- Exceptions.
- (a) the board of a district adjoining a city or separated town may, in lieu of establishing and maintaining a school, arrange for the instruction of its pupils at a high or vocational school in the city or separated town and may enter into an agreement with the board of the city or separated town to pay for the cost of their education;
- (b) the board of a district in a territorial district may, in lieu of establishing and maintaining a school, arrange for the instruction of its pupils at the nearest high or vocational school, and may enter into an agreement with the board of such school to pay for the cost of their education.

Where no
school
maintained.

- (3) Subject to clause *a* of subsection 2, in the event of the failure of the board of a district in a county to operate a school for any period of two years, the county council or councils by which the district was established shall by by-law discontinue the district and include it in one or more adjoining districts.

Rev. Stat.,
c. 360, s. 23,
subs. 1, re-
enacted.

8. Subsection 1 of section 23 of *The High Schools Act*, as amended by subsection 1 of section 8 of *The High Schools Amendment Act, 1949*, is repealed and the following substituted therefor:

Security by
officers of
board.

- (1) Every treasurer, secretary-treasurer and collector, and, if required by the board, every other officer of the board shall give security for the faithful performance of his duties.

Form of
security.

Rev. Stat.,
c. 263.

- (1a) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*.

Rev. Stat.,
c. 360, s. 24,
cl. o, re-
pealed.

9. Clause *o* of section 24 of *The High Schools Act* is repealed.

Rev. Stat.,
c. 360, s. 25,
subs. 1,
amended.

10. Subsection 1 of section 25 of *The High Schools Act*, as amended by section 16 of *The Statute Law Amendment Act, 1942*, is further amended by adding thereto the following clauses:

Investment
of funds.

- (f) invest any proceeds from an insurance claim or any moneys received for any special purposes through legacy, gift or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*;

Rev. Stat.,
c. 165.

Insurance.

- (g) to contribute, as deemed expedient, towards providing life insurance for employees of the board or any class thereof, and to make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board.

Rev. Stat.,
c. 360, s. 34,
re-enacted.

11.—(1) Section 34 of *The High Schools Act* is repealed and the following substituted therefor:

Pensions.

- 34.—**(1) The board, by resolution, may provide, by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both His Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children.

R.S.C., c. 7.
Rev. Stat.,
c. 256.

- (2) In this section, "employee" does not include a teacher "Employee". or an inspector.

- (3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister. Approval of Minister.

- (4) The board shall make such payments or contributions to the scheme as are provided for in the resolution. Contributions by board.

- (5) The board shall deduct from the salary, wages or other remuneration of every employee to whom the scheme is applicable, the amount which the employee is required by the resolution to contribute. Deduction of contributions.

- 34a.—(1) The board, by resolution, may establish a system of sick leave credit gratuities and payments for the regular attendance of employees or any class thereof. Sick leave credits.

- (2) No resolution passed under subsection 1 shall become operative until approved by the Minister, nor shall any resolution so passed and approved be amended or repealed without the approval of the Minister. Approval of Minister.

(2) Any pension scheme heretofore established by a board and approved by the Superintendent of Insurance which conforms to section 34 of *The High Schools Act*, as re-enacted by subsection 1 of this section, and which is approved by the Minister, shall be deemed to have been validly established as of the date of the approval of the Superintendent of Insurance. Existing pension schemes validated.

(3) Any sick leave credit system heretofore established by a board which conforms to section 34a of *The High Schools Act*, as enacted by subsection 1 of this section, and which is approved by the Minister, shall be deemed to have been validly established as of the date of its establishment. Existing sick leave systems validated.

12.—(1) Clause *c* of subsection 1 of section 36 of *The High Schools Act*, as amended by subsection 1 of section 12 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 36, subs. 1, cl. c, re-enacted.

- (c) Thirdly, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b*, and the resultant amount ascertained after such

deduction shall be the net sum upon which the cost of education of such county pupils shall be based and calculated.

Rev. Stat., c. 360, s. 36, subs. 2, cl. a (1939, c. 44, s. 12, subs. 2), re-enacted. (2) Clause *a* of subsection 2 of the said section 36, as enacted by subsection 2 of section 12 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor:

- (a) the cost of education to be paid by the council of the county of which they are county pupils shall be calculated in the manner provided in subsection 1 and the cost of education to be paid by the board of the high school district or continuation school district of which they are resident pupils shall be calculated in the manner provided in subsection 1 except that legislative grants shall not be deducted as provided in clause *c* thereof.

Rev. Stat., c. 360, s. 36, subs. 2, cl. b (1939, c. 44, s. 12, subs. 2), amended. (3) Clause *b* of subsection 2 of the said section 36 is amended by striking out the words "one school year" in the thirteenth line and inserting in lieu thereof the words "two school years", so that the clause shall read as follows:

- (b) the board may, prior to the 30th day of June in any year, give notice in writing to the clerk of the county in which any county pupils reside and to the secretary of the high school board or continuation school board for the high school district or grade A or grade B continuation school section in which any resident pupils reside that such high school will no longer be open to such county and resident pupils and upon the giving of such notice such county and resident pupils may continue to attend such high school only until the expiration of two school years after the 30th day of June in such year.

Rev. Stat., c. 360, s. 38, subs. 1, amended. **13.** Subsection 1 of section 38 of *The High Schools Act*, as amended by section 9 of *The School Law Amendment Act, 1941* and section 12 of *The School Law Amendment Act, 1945*, is further amended by striking out the words "Subject to the provisions of subsection 2 of section 37" in the amendment of 1941, so that the subsection, exclusive of the clauses, shall read as follows:

Cost of education of county pupils, — how to be provided.

- (1) The cost of education of county pupils to be paid by the council of a county shall be provided, borne, calculated, and as part of the county rates be levied in the following municipalities and in the following manner:

.

14. Section 42 as re-enacted by section 3 of *The High Schools Amendment Act, 1947* (No. 2) and amended by section 12 of *The High Schools Amendment Act, 1949*, and section 43 as amended by section 10 of *The High Schools Amendment Act, 1946*, section 4 of *The High Schools Amendment Act, 1947* (No. 2) and section 13 of *The High Schools Amendment Act, 1949*, of *The High Schools Act* are repealed and the following substituted therefor:

DEBENTURES.

- 42.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein, and all sums required to pay off the debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district.
- (2) The application shall be made to the council or councils having jurisdiction in the high school district, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid.
- (3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.
- (4) If the council, or a majority of the councils where there are more than one, approve of the application, the council of the municipality within which the high school is or is to be situate shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures.
- (5) If the council, or half or a majority of the councils where there are more than one, disapprove of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality or of the

Rev. Stat.,
c. 360, s. 42
(1947,
c. 43, s. 3).
s. 43, re-
enacted.

Debentures
for per-
manent
improve-
ments.

Application
by board
to council.

Council to
deal with
application.

Issue of
debentures.

Rev. Stat.,
c. 266.

Submission
of applica-
tion to
ratepayers.

part thereof included in the high school district in the manner provided by *The Municipal Act* in the case of a money by-law.

When vote favourable.

- (6) If a majority of the votes cast throughout the high school district is in favour of the application, the council of the municipality in which the high school is or is to be situate shall raise the required sum by the issue of debentures in the manner provided by *The Municipal Act* but without submitting the by-law to the electors.

Assent of electors not required.

- (7) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors.

Terms of debentures.

- (8) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority of them shall if the board has so requested and may, with or without such request, make the debenture debt payable by annual or other instalments in the manner provided by *The Municipal Act*.

"Majority" defined.

- (9) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsection 8.

APPORTIONMENT AND COLLECTION OF RATES.

Rates for current purposes.

43. The council or councils of the municipality or municipalities included in a high school district shall levy and collect each year and transfer to the board from time to time as required, but not later than the 15th day of December, such amount as the board may deem necessary for,—

- (a) maintenance of the school or schools under the jurisdiction of the board;
- (b) payment of fees for which the board is liable in respect of resident pupils attending other schools; and

- (c) capital expenditure out of current revenue not exceeding \$5,000 or for such greater sum as may be authorized by the Ontario Municipal Board,

and such amount shall be apportioned and raised in the manner provided in section 43a with respect to liability for debenture debt.

- 43a.—(1) Where a high school district comprises more than one municipality or parts thereof and the municipalities or parts form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the equalized assessment of the municipality or part bears to the equalized assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. Proportionate liability for debenture debt.
- (2) Where a high school district comprises a city or separated town and one or more other municipalities or parts thereof that form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city or separated town or the equalized assessment of the municipality or part, as the case may be, bears to the total of the assessment of the city and separated town and of the equalized assessments of the other municipalities or parts, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. Idem.
- (3) Where a high school district comprises two or more adjoining municipalities or parts thereof in a territorial district, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part bears to the total assessment of the whole district, and the council of each municipality shall levy on the property liable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. Idem.

- Assumption of larger proportion.
- (4) Any municipality may offer to assume and may assume a greater proportion than its proportion under subsection 1, 2 or 3, and in that case the proportion of the balance to be paid by each of the other municipalities shall be such as may be agreed upon and if the councils of the other municipalities fail to agree upon the proportion within thirty days of the making of the offer, the proportion of the balance to be paid by each of the other municipalities shall be determined in accordance with subsection 1, 2 or 3, as the case may be.
- Request for arbitration.
- (5) Where the council of one of the municipalities is of opinion that the division of liability in accordance with subsections 1 to 4 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district for an arbitration.
- Arbitrators.
- (6) Upon receipt of the application, the board shall direct its secretary to call a meeting of the assessors of the municipalities within or partly within the district, and the county assessors, if any, of the county or counties within which the municipalities forming part of a county for municipal purposes are situate, and these assessors shall be arbitrators to determine the proportion of liability each municipality shall bear.
- Notification of decision.
- (7) The arbitrators shall make their decision in writing and file a copy thereof with the secretary of the board who shall forthwith send a copy of the decision to the clerk of each municipality by registered post.
- Costs.
- (8) The costs of the arbitration shall be in the discretion of the arbitrators and the direction of the arbitrators with respect thereto shall be included in their decision.
- Reference to Municipal Board where decision objected to.
- (9) If, within thirty days of the mailing of the copies of the decision by the secretary, the council of one of the municipalities files with the secretary a written objection to the decision of the arbitrators, the board shall refer the matter to the Ontario Municipal Board whose decision shall be final.
- Effect of decision.
- (10) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board shall be effective for a period of five years or until the boundaries of the high school district are changed or

until the assessment of one of the municipalities is increased by more than ten per centum in any two consecutive years.

- (11) Where the matter is referred to the Ontario Municipal Board the costs of the arbitration and of the reference shall be in the discretion of that Board. Costs.

- (12) Nothing in section 42 or in this section shall prevent the municipality in which the high school is situate from assuming the full cost of permanent improvements or any part thereof or from undertaking to pay any debentures that may be issued therefor notwithstanding that such municipality forms only a part of the high school district. Municipality may assume full cost of permanent improvements.

15. Subsection 1b of section 47 of *The High Schools Act*, as enacted by subsection 2 of section 14 of *The School Law Amendment Act, 1945*, is repealed. Rev. Stat., c. 360, s. 47, subs. 1b (1945, 2nd Sess., c. 8, s. 14, subs. 2), repealed.

16.—(1) Clause b of subsection 2 of section 48 of *The High Schools Act*, as re-enacted by section 16 of *The High Schools Amendment Act, 1949*, is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 48, subs. 2, cl. b (1949, c. 38, s. 16), re-enacted.

(b) any high or continuation school,

- (i) which is more accessible to the pupil than any high school in his own district, or
- (ii) to take a course of study leading to a type of secondary school graduation diploma not available in his own district, or
- (iii) to take a grade XIII subject or subjects not available in his own district and required by the pupil for admission to any university or teacher-training course or for the practice of any trade, profession or calling,

provided that the school is situated in his own county outside of a city or separated town, or is situated in an adjoining county or in a city or separated town in his own or an adjoining county and has been declared open to such pupils.

(2) Subsection 3 of the said section 48 is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 48, subs. 3 (1949, c. 38, s. 16), re-enacted.

- (3) A resident pupil of a high school district in a territorial district shall have the right to attend any high or continuation school in Ontario, Resident pupils in territorial districts.

- (a) which is more accessible to the pupil than any high school in his own school district; or
- (b) to take a course of study leading to a type of secondary school graduation diploma not available in his own school district; or
- (c) to take a grade XIII subject or subjects not available in his own school district and required by the pupil for admission to any university or teacher-training course or for the practice of any trade, profession or calling.

Rev. Stat.,
c. 360, s. 48,
subs. 5
(1949,
c. 38, s. 16),
repealed.

- (3) Subsection 5 of the said section 48 is repealed.

Rev. Stat.,
c. 360, s. 50
(1947
c. 42, s. 7),
re-enacted.

17. Section 50 of *The High Schools Act*, as re-enacted by section 7 of *The High Schools Amendment Act, 1947*, is repealed and the following substituted therefor:

Admission to
grade IX.

- 50.—(1) Where a pupil has been promoted from grade VIII to grade IX in the manner prescribed by the regulations he shall be admitted to grade IX.

Idem.

- (2) An applicant who has not been promoted from grade VIII to grade IX in the manner prescribed by the regulations shall be admitted to grade IX after the principal has satisfied himself that the applicant is competent to undertake the work of that grade.

Admission to
grades X-
XIII.

- (3) An applicant for admission to grade X, XI, XII or XIII shall be admitted after the principal has satisfied himself that the applicant is competent to undertake the work of the grade to which he has applied for admission.

Reduction
in grade.

- (4) Where the principal is not satisfied that an applicant is competent to undertake the work of the grade to which the applicant has applied for admission under subsection 3, he may place him in a lower grade.

Admission
to night high
schools.

- (5) An applicant shall be entitled to enter a high school which is conducted at night if, in the opinion of the principal of the high school, after due examination or other investigation, he is competent to take up the subjects as prescribed by the Minister, but such admission shall not entitle him to admission to the high school when conducted by day.

18. Sections 51 and 52, section 53 as amended by section 15 of *The School Law Amendment Act, 1945*, and section 54 of *The High Schools Act* are repealed. Rev. Stat., c. 360, ss. 51-54, repealed.

19. Section 57 of *The High Schools Act* is repealed. Rev. Stat., c. 360, s. 57, repealed.

20.—(1) This Act, except sections 1, 12, 14 and 16, shall come into force on the day it receives the Royal Assent. Commencement of Act.

(2) Sections 1, 12, 14 and 16 shall be deemed to have come into force on the 1st day of January, 1950. Idem.

21. This Act may be cited as *The High Schools Amendment Act, 1950*. Short title.

BILL

An Act to amend The High Schools Act.

1st Reading

February 28th, 1950

2nd Reading

March 3rd, 1950

3rd Reading

March 8th, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Separate Schools Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTIONS 2 and 3. The new section 91*a*, enacted by section 3 of this Bill, extends the powers of a board to invest moneys received from an insurance claim or for any special purposes. Subsection 2 of section 91 is therefore repealed and the provisions of subsection 7 of section 92, which dealt with similar matters, have been enlarged and included in the new section 91*a*.

SECTION 4—Subsection 1. The new section 92 authorizes boards to provide pensions for their employees, other than teachers and inspectors. The new section 92*a* authorizes boards to establish systems of sick leave credits for employees.

No. 80

1950

BILL

An Act to amend The Separate Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Separate Schools Act* is amended by adding thereto the following section: Rev. Stat.,
c. 362,
amended.

30a.—(1) Every treasurer and collector and, if the board so requires, every other officer of the board, shall give security for the faithful performance of his duties, and the security shall be deposited with the clerk of the municipality. Security
to be given
by officers.

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*. Form of
security.
Rev. Stat.,
c. 263.

2. Subsection 2 of section 91 of *The Separate Schools Act* is repealed. Rev. Stat.,
c. 362, s. 91,
subs. 2,
repealed.

3. *The Separate Schools Act* is amended by adding thereto the following section: Rev. Stat.,
c. 362,
amended.

91a. The board may invest any proceeds from an insurance claim or any moneys received for any special purposes through legacy, gift or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. Investment
of moneys.

Rev. Stat.,
c. 165.

4.—(1) Section 92 of *The Separate Schools Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 362, s. 92,
re-enacted.

92.—(1) The board, by resolution, may provide, by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both His Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children. Pensions.

R.S.C., c. 7.
Rev. Stat.,
c. 256.

- "Employee". (2) In this section, "employee" does not include a teacher or an inspector.
- Approval of Minister. (3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister.
- Contributions by board. (4) The board shall make such payments or contributions to the scheme as are provided for in the resolution.
- Deduction of contributions. (5) The board shall deduct from the salary, wages or other remuneration of every employee to whom the scheme is applicable, the amount which the employee is required by the resolution to contribute.
- Sick leave credits. 92a.—(1) The board, by resolution, may establish a system of sick leave credit gratuities and payments for the regular attendance of employees or any class thereof.
- Approval of Minister. (2) No resolution passed under subsection 1 shall become operative until approved by the Minister, nor shall any resolution so passed and approved be amended or repealed without the approval of the Minister.
- Existing pension schemes validated. (2) Any pension scheme heretofore established by a board and approved by the Superintendent of Insurance which conforms to section 92 of *The Separate Schools Act*, as re-enacted by subsection 1 of this section, and which is approved by the Minister, shall be deemed to have been validly established as of the date of the approval of the Superintendent of Insurance.
- Existing sick leave systems validated. (3) Any sick leave credit system heretofore established by a board which conforms to section 92a of *The Separate Schools Act*, as enacted by subsection 1 of this section, and which is approved by the Minister, shall be deemed to have been validly established as of the date of its establishment.
- Commencement of Act. 5. This Act shall come into force on the day it receives the Royal Assent.
- Short title. 6. This Act may be cited as *The Separate Schools Amendment Act, 1950*.

Subsections 2 and 3. These provisions validate, under the circumstances set out, pension schemes and sick leave credit systems already established.

BILL

An Act to amend The Separate
Schools Act.

1st Reading

February 28th, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Separate Schools Act.

MR. PORTER

(Reprinted as amended in Committee of the Whole House.)

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTIONS 2 and 3. The new section 91*a*, enacted by section 3 of this Bill, extends the powers of a board to invest moneys received from an insurance claim or for any special purposes. Subsection 2 of section 91 is therefore repealed and the provisions of subsection 7 of section 92, which dealt with similar matters, have been enlarged and included in the new section 91*a*.

SECTION 4—Subsection 1. The new section 92 authorizes boards to provide pensions for their employees, other than teachers and inspectors. The new section 92*a* authorizes boards to establish systems of sick leave credits for employees.

BILL

An Act to amend The Separate Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Separate Schools Act* is amended by adding thereto the following section: Rev. Stat.,
c. 362,
amended.

30a.—(1) Every treasurer and collector and, if the board so requires, every other officer of the board, shall give security for the faithful performance of his duties, and the security shall be deposited for safe keeping as directed by the board. Security
to be given
by officers.

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act.* Form of
security.
Rev. Stat.,
c. 263.

2. Subsection 2 of section 91 of *The Separate Schools Act* is repealed. Rev. Stat.,
c. 362, s. 91,
subs. 2,
repealed.

3. *The Separate Schools Act* is amended by adding thereto the following section: Rev. Stat.,
c. 362,
amended.

91a. The board may invest any proceeds from an insurance claim or any moneys received for any special purposes through legacy, gift or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act.* Investment
of moneys.

Rev. Stat.,
c. 165.

4.—(1) Section 92 of *The Separate Schools Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 362, s. 92,
re-enacted.

92.—(1) The board, by resolution, may provide, by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both His Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children. Pensions.

R.S.C., c. 7.
Rev. Stat.,
c. 256.

- "Employee". (2) In this section, "employee" does not include a teacher or an inspector.
- Approval of Minister. (3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister.
- Contributions by board. (4) The board shall make such payments or contributions to the scheme as are provided for in the resolution.
- Deduction of contributions. (5) The board shall deduct from the salary, wages or other remuneration of every employee to whom the scheme is applicable, the amount which the employee is required by the resolution to contribute.
- Sick leave credits. 92a.—(1) The board, by resolution, may establish a system of sick leave credit gratuities and payments for the regular attendance of employees or any class thereof.
- Approval of Minister. (2) No resolution passed under subsection 1 shall become operative until approved by the Minister, nor shall any resolution so passed and approved be amended or repealed without the approval of the Minister.
- Existing pension schemes validated. (2) Any pension scheme heretofore established by a board and approved by the Superintendent of Insurance which conforms to section 92 of *The Separate Schools Act*, as re-enacted by subsection 1 of this section, and which is approved by the Minister, shall be deemed to have been validly established as of the date of the approval of the Superintendent of Insurance.
- Existing sick leave systems validated. (3) Any sick leave credit system heretofore established by a board which conforms to section 92a of *The Separate Schools Act*, as enacted by subsection 1 of this section, and which is approved by the Minister, shall be deemed to have been validly established as of the date of its establishment.
- Commencement of Act. 5. This Act shall come into force on the day it receives the Royal Assent.
- Short title. 6. This Act may be cited as *The Separate Schools Amendment Act, 1950*.

Subsections 2 and 3. These provisions validate, under the circumstances set out, pension schemes and sick leave credit systems already established.

BILL

An Act to amend The Separate
Schools Act.

1st Reading

February 28th, 1950

2nd Reading

March 3rd, 1950

3rd Reading

MR. PORTER

(Reprinted as amended in Committee of the
Whole House.)

No. 80

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Separate Schools Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1314

No. 80

1950

BILL

An Act to amend The Separate Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Separate Schools Act* is amended by adding thereto the following section: Rev. Stat.,
c. 362,
amended.

30a.—(1) Every treasurer and collector and, if the board so requires, every other officer of the board, shall give security for the faithful performance of his duties, and the security shall be deposited for safe keeping as directed by the board. Security
to be given
by officers.

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*. Form of
security.
Rev. Stat.,
c. 263.

2. Subsection 2 of section 91 of *The Separate Schools Act* is repealed. Rev. Stat.,
c. 362, s. 91,
subs. 2,
repealed.

3. *The Separate Schools Act* is amended by adding thereto the following section: Rev. Stat.,
c. 362,
amended.

91a. The board may invest any proceeds from an insurance claim or any moneys received for any special purposes through legacy, gift or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. Investment
of moneys.

Rev. Stat.,
c. 165.

4.—(1) Section 92 of *The Separate Schools Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 362, s. 92,
re-enacted.

92.—(1) The board, by resolution, may provide, by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both His Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children. Pensions.

R.S.C., c. 7.
Rev. Stat.,
c. 256.

"Employee". (2) In this section, "employee" does not include a teacher or an inspector.

Approval of Minister. (3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister.

Contributions by board. (4) The board shall make such payments or contributions to the scheme as are provided for in the resolution.

Deduction of contributions. (5) The board shall deduct from the salary, wages or other remuneration of every employee to whom the scheme is applicable, the amount which the employee is required by the resolution to contribute.

Sick leave credits. 92a.—(1) The board, by resolution, may establish a system of sick leave credit gratuities and payments for the regular attendance of employees or any class thereof.

Approval of Minister. (2) No resolution passed under subsection 1 shall become operative until approved by the Minister, nor shall any resolution so passed and approved be amended or repealed without the approval of the Minister.

Existing pension schemes validated. (2) Any pension scheme heretofore established by a board and approved by the Superintendent of Insurance which conforms to section 92 of *The Separate Schools Act*, as re-enacted by subsection 1 of this section, and which is approved by the Minister, shall be deemed to have been validly established as of the date of the approval of the Superintendent of Insurance.

Existing sick leave systems validated. (3) Any sick leave credit system heretofore established by a board which conforms to section 92a of *The Separate Schools Act*, as enacted by subsection 1 of this section, and which is approved by the Minister, shall be deemed to have been validly established as of the date of its establishment.

Commencement of Act. 5. This Act shall come into force on the day it receives the Royal Assent.

Short title. 6. This Act may be cited as *The Separate Schools Amendment Act, 1950*.

BILL

An Act to amend The Separate
Schools Act.

1st Reading

February 28th, 1950

2nd Reading

March 3rd, 1950

3rd Reading

March 10th, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Teaching Profession Act, 1944.

MR. PORTER

EXPLANATORY NOTES

SECTION 1. This amendment provides that students in teacher-training institutions shall be associate members of the Ontario Teachers' Federation.

SECTION 2. These amendments extend the powers of the Board of Governors of the Federation to make regulations regarding voluntary members and to give the board power to make regulations respecting associate members.

No. 81

1950

BILL

An Act to amend The Teaching Profession Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Teaching Profession Act, 1944*, as amended by section 1 of *The Teaching Profession Amendment Act, 1947*, is further amended by adding thereto the following subsection:

(3) Every student in a normal school or in the Ontario College of Education shall be an associate member of the Federation. Associate members.

2.—(1) Clause *bb* of section 10 of *The Teaching Profession Act, 1944*, as enacted by section 2 of *The Teaching Profession Amendment Act, 1947*, is amended by adding at the end thereof the words "and prescribing the duties, responsibilities and privileges of voluntary members", so that the clause shall read as follows:

(*bb*) providing for voluntary membership in the Federation of persons who are not members thereof and prescribing the duties, responsibilities and privileges of voluntary members.

(2) The said section 10 is further amended by adding thereto the following clause:

(*bbb*) prescribing the duties, responsibilities and privileges of associate members.

3. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The Teaching Profession Amendment Act, 1950*. Short title.

An Act to amend The Teaching
Profession Act, 1944.

1st Reading

February 28th, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 81

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Teaching Profession Act, 1944.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 81

1950

BILL

An Act to amend The Teaching Profession Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Teaching Profession Act, 1944*, as amended by section 1 of *The Teaching Profession Amendment Act, 1947*, is further amended by adding thereto the following subsection:

- (3) Every student in a normal school or in the Ontario College of Education shall be an associate member of the Federation. Associate members.

2.—(1) Clause *bb* of section 10 of *The Teaching Profession Act, 1944*, as enacted by section 2 of *The Teaching Profession Amendment Act, 1947*, is amended by adding at the end thereof the words "and prescribing the duties, responsibilities and privileges of voluntary members", so that the clause shall read as follows:

- (*bb*) providing for voluntary membership in the Federation of persons who are not members thereof and prescribing the duties, responsibilities and privileges of voluntary members.

(2) The said section 10 is further amended by adding thereto the following clause:

- (*bbb*) prescribing the duties, responsibilities and privileges of associate members.

3. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The Teaching Profession Amendment Act, 1950*. Short title.

BILL

An Act to amend The Teaching
Profession Act, 1944.

1st Reading

February 28th, 1950

2nd Reading

March 3rd, 1950

3rd Reading

March 10th, 1950

MR. PORTER

No. 82

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Labour Relations Act, 1950.

MR. DALEY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE.

This Bill is based on the experience gained in the administration of the several labour codes which have been in effect from time to time in Ontario. The policy of the Bill is to encourage employers and employees to settle their own differences, government intervention being limited in the main to those situations where the parties reach an impasse. The Bill seeks to prevent industrial strife at the point where experience shows that strikes are most likely to occur. It makes a strike for union recognition unnecessary by substituting therefor the process of certification by the Ontario Labour Relations Board. Under this Bill, the conditions for obtaining certification have been changed so that a trade union will be able to obtain a representation vote by showing that it has a membership of not less than forty-five per cent. of the employees in an appropriate bargaining unit, rather than over fifty per cent as heretofore. A representation vote is also required when the membership does not exceed fifty-five per cent. In the interests of industrial harmony, in order to gain bargaining rights a trade union must obtain the support of a majority in the bargaining unit. However, in a representation vote absentees are not treated as voting against the union.

The Bill outlaws company-dominated unions and any collective agreement into which such unions enter is declared invalid.

Where a trade union is certified, it may serve notice on the employer of its desire to bargain with a view to making a collective agreement and thereupon the employer and the trade union are required to bargain in good faith and make every reasonable effort to make a collective agreement. Conciliation services are available to the parties to assist them in their efforts to make a collective agreement. The right of an employee to go on strike, and of an employer to declare a lock-out, in the absence of a collective agreement, is preserved, provided resort had first been had to certification and conciliation and seven days had elapsed from the submission of the report of the conciliation board.

During the life of a collective agreement, strikes and lock-outs are forbidden but any differences between the parties arising from the interpretation, application, administration or alleged violation of the agreement are to be arbitrated in accordance with the arbitration provision of the collective agreement. Under former labour codes, if a collective agreement lacked an arbitration clause, such a clause could be written in by the Ontario Labour Relations Board on the application of either party. To avoid the delay necessarily incidental to such an application, the Bill sets out an arbitration clause which automatically becomes part of every collective agreement which lacks an arbitration clause.

The Bill contains specific provisions with regard to collective agreements between a trade union and an employers' organization to ensure that the agreement will be binding upon employers who cease to be members of the employers' organization during the life of the agreement.

The Bill seeks to encourage employers and trade unions to enter into long-term collective agreements, thus assuring a greater degree of stability in industry.

Provision is made for the termination of bargaining rights of a trade union in certain eventualities, but due regard is had for the difficulties which a trade union may encounter in bargaining with a recalcitrant employer.

The Bill defines and prohibits unfair practices which may interfere with freedom of organization and collective bargaining.

The Minister of Labour has power, upon the recommendation of a commissioner, to order the reinstatement of an employee discharged contrary to the Act, and it will no longer be necessary for an employee to institute a prosecution for an unfair labour practice as a condition precedent to obtaining compensation for an improper discharge.

The present practice of the Ontario Labour Relations Board of refusing to entertain any application from a trade union which is engaged in an unlawful strike is given statutory effect and the Board is also em-

powered, on the application of an interested party, to issue a declaration that a strike is unlawful. Similar provision is made with respect to lock-outs.

Penalties are provided for violation of any provision of the Act or of any decision, order, direction, declaration or ruling under the Act. No prosecution may be instituted without the consent of the Ontario Labour Relations Board.

BILL

The Labour Relations Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation.

- (a) “bargaining unit” means a unit of employees appropriate for collective bargaining, whether it is an employer unit or a plant unit or any subdivision of either of them;
- (b) “Board” means Ontario Labour Relations Board;
- (c) “collective agreement” means an agreement in writing between an employer or an employers’ organization, on the one hand, and a trade union representing employees of the employer or employees of members of the employers’ organization, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employers’ organization, the trade union or the employees;
- (d) “conciliation services” means the services of a conciliation officer and, if necessary, a conciliation board;
- (e) “employers’ organization” means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- (f) “lock-out” includes the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of his employees, with a view to compel or induce his employees, or to aid another employer to compel or induce his employees, to agree to provisions or changes in provisions respecting terms or conditions

of employment or the rights, privileges or duties of the employer, an employers' organization, the trade union, or the employees;

- (g) "Minister" means Minister of Labour;
- (h) "strike" includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output;
- (i) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

Idem.

(2) For the purposes of this Act no person shall be deemed to have ceased to be an employee by reason only of his ceasing to work for his employer as the result of a lock-out or strike or by reason only of his being dismissed by his employer contrary to this Act or to a collective agreement. *New.*

Application of Act.

Where Act
not to
apply.

2. This Act does not apply,

Rev. Stat.,
c. 59.

(a) to a municipality within the meaning of *The Department of Municipal Affairs Act* or to any of its employees, unless it declares this Act applicable to it and to its employees or any of them;

(b) to any domestic employed in a private home;

(c) to any person employed in agriculture, horticulture, hunting or trapping;

1949, c. 72.

(d) to any member of a police force within the meaning of *The Police Act, 1949*;

1949, c. 33.

(e) to any full-time fire fighter within the meaning of *The Fire Departments Act, 1949*;

1944, c. 64.

(f) to any teacher as defined in *The Teaching Profession Act, 1944*;

(g) to any member of the medical, dental, architectural, engineering or legal profession entitled to practise in Ontario and employed in a professional capacity; or

- (h) to any manager or superintendent or any other person who exercises managerial functions or is employed in a confidential capacity in matters relating to labour relations. 1948, c. 51, s. 9, *amended*.

Freedoms.

3. Every person is free to join a trade union of his own choice and to participate in its lawful activities. *New.* Membership in trade union.

4. Every person is free to join an employers' organization of his own choice and to participate in its lawful activities. *New.* Membership in employers' organization.

Establishment of Bargaining Rights by Certification.

5. A trade union may apply to the Board for certification as bargaining agent of the employees of an employer in a unit which it claims to be appropriate for collective bargaining. *New.* Application for certification.

6.—(1) Upon an application for certification the Board shall determine the unit of employees that is appropriate for collective bargaining, but which in every case shall consist of more than one employee. Board to determine appropriateness of units.

(2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft. *New.* Craft units.

7.—(1) Upon an application for certification the Board shall ascertain, by an examination of the records of the trade union and the records of the employer, the number of employees in the bargaining unit who are members of the trade union. Determination of number of union members in bargaining unit.

(2) If on an examination under subsection 1 the Board is satisfied that not less than forty-five per centum and not more than fifty-five per centum of the employees in the bargaining unit are members of the trade union, the Board shall, and if the Board is satisfied that more than fifty-five per centum of such employees are members of the trade union, the Board may direct that a representation vote be taken. Representation vote.

Certification
after vote.

(3) If on the taking of a representation vote more than fifty per centum of the ballots of all those eligible to vote are cast in favour of the trade union, and in other cases if the Board is satisfied that more than fifty-five per centum of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit.

Absent
employees.

(4) In determining the number of eligible voters for the purpose of subsection 3, employees who are absent from work during voting hours and who do not cast their ballots shall not be counted as eligible.

Certification
without vote.

(5) If on an examination under subsection 1 the Board is satisfied that more than fifty per centum of the employees in the bargaining unit are members of the trade union and that the true wishes of the employees are not likely to be disclosed by a representation vote, the Board may certify the trade union as bargaining agent without taking a representation vote. *New.*

Security
guards.

8. The Board shall not include in a bargaining unit with other employees any person employed as a guard to protect the property of his employer and no trade union shall be certified as bargaining agent for a bargaining unit of such guards if it admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than such guards. *New.*

What
unions not
to be
certified.

9. The Board shall not certify any trade union if any employer or any employers' organization has participated in its formation or administration or has contributed financial or other support to it. *New.*

Negotiation of Collective Agreements.

Notice of
desire to
bargain.

10. Following certification, the trade union shall give the employer written notice of its desire to bargain with a view to making a collective agreement. *New.*

Obligation
to bargain.

11. The parties shall meet within twenty days from the giving of the notice or within such further period as the parties may agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement. *New.*

Composition
of
bargaining
committee.

12. The trade union shall be represented during the bargaining by a bargaining committee consisting of employees of the employer in the bargaining unit, and they may be accompanied and assisted during the bargaining by one or more officers or other representatives of the trade union. *New.*

13.—(1) Where fifty days or more have elapsed from the giving of the notice and it appears that a collective agreement will not be made within a reasonable time, either party may file with the Board a request that conciliation services be made available to the parties, whereupon the Board shall grant the request, but before doing so it may postpone consideration of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime. Requests for conciliation services.

(2) Upon the joint request of the parties, or upon the request of either of them, the Board, if it is satisfied that no progress in bargaining is being made, may grant the request for conciliation services notwithstanding that the fifty-day period mentioned in subsection 1 has not elapsed. *New.* Idem.

14.—(1) Where the Board grants a request for conciliation services the Minister shall forthwith appoint a conciliation officer. Conciliation officer, appointment;

(2) The conciliation officer shall confer with the parties and endeavour to effect a collective agreement and he shall, within fourteen days from his appointment, report the result of his endeavour to the Minister. duties.

(3) The period mentioned in subsection 2 may be extended by agreement of the parties or by the Minister upon the advice of the conciliation officer that a collective agreement may be made within a reasonable time if such period is extended. Extension of 14-day period.
New.

15. If the conciliation officer is unable to effect a collective agreement within the time allowed under section 14, the Minister shall forthwith by notice in writing request each of the parties, within seven days of the receipt of the notice, to recommend one person to be a member of a conciliation board, and the Minister shall, upon the receipt of the recommendations or upon the expiration of the seven-day period appoint two members who, in his opinion, represent the points of view of the respective parties, and the two members so appointed may, within five days after they are appointed, jointly recommend a third person to be a member and chairman of the board, and the Minister shall, upon the receipt of the recommendation or upon the expiration of the five-day period, appoint a third person to be a member and chairman of the board. *New.* Conciliation board, appointment of members.

16. No person shall act as a member of a conciliation board who has any pecuniary interest in the matters coming before it or who is acting, or has, within a period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties. *New.* Certain persons prohibited as members.

Notice to
parties of
appointment.

17.—(1) When the members of the conciliation board have been appointed, the Minister shall forthwith give notice of their names to the parties and thereupon the board shall be deemed to have been established.

Presumption
of establish-
ment.

(2) When notice under subsection 1 has been given it shall be presumed conclusively that the conciliation board has been established in accordance with this Act, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto, or otherwise, to question the establishment of the conciliation board or the appointment of any of its members, or to review, prohibit or restrain any of its proceedings. *New.*

Vacancies.

18. If a person ceases to be a member of a conciliation board by reason of his resignation or death before it has completed its work, the Minister shall appoint a member in his place after consulting the party whose point of view was represented by such person. *New.*

Terms of
reference.

19. As soon as a conciliation board has been established, the Minister shall deliver to its chairman a statement of the matters referred to it and the Minister may, either before or after its report is made, amend or add to such statement. *New.*

Oath of
office.

20. Each member of a conciliation board shall, before entering upon his duties, take and subscribe before a person authorized to administer oaths, and file with the Minister, an oath in the following form:

I do solemnly swear that I am not disqualified under section 16 of *The Labour Relations Act, 1950*, from acting as a member of a conciliation board and that I will faithfully, truly and impartially, to the best of my knowledge, skill and ability, execute and perform the office of member (*or* chairman) of the conciliation board established to.....
and that I will not, except as I may be legally authorized, disclose to any person any of the evidence or other matter brought before the board. So help me God.

New.

Duties.

21. As soon as a conciliation board is established it shall endeavour to effect agreement between the parties on the matters referred to it. *New.*

Procedure.

22.—(1) Subject to this Act, a conciliation board shall determine its own procedure.

Presentation
of evidence.

(2) A conciliation board shall give full opportunity to the parties to present their evidence and to make their submissions. *New.*

23. The chairman of a conciliation board shall, after con-^{Sittings.}sultation with the other members of the board, fix the time and place of its sittings, and he shall notify the parties and the other members of the board of the time and place so fixed.
New.

24. The chairman and one other member of a conciliation ^{Quorum.}board shall constitute a quorum but, in the absence of any member, the other members shall not proceed unless the absent member has been given reasonable notice of the sitting.
New.

25. If the members of a conciliation board are unable ^{to Casting}to agree among themselves on matters of procedure or as to the ^{vote.}admissibility of evidence, the decision of the chairman shall govern. *New.*

26. A conciliation board shall have power, ^{Powers.}

- (a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath, and to produce such documents and things as the board deems requisite to the full investigation and consideration of the matters referred to it in the same manner as a court of record in civil cases;
- (b) to administer oaths;
- (c) to accept such oral or written evidence as it in its discretion may deem proper, whether admissible in a court of law or not;
- (d) to enter any premises where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken place concerning any of the matters referred to the board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such matters;
- (e) to authorize any person to do anything that the board may do under clause *d* and to report to the board thereon. *New.*

27.—(1) A conciliation board shall, within fourteen days ^{When report}from the appointment of its chairman, report its findings and ^{to be made.}recommendations to the Minister and the report of the majority shall be the report of the board.

(2) The period mentioned in subsection 1 may be extended ^{Extension}of 14-day ^{period.}

by agreement of the parties or by the Minister upon the advice of the conciliation board that agreement may be effected between the parties on the matters referred to the board if such period is extended.

Clarification
etc., of
report.

(3) After a conciliation board has made its report, the Minister may direct it to clarify or amplify any part of its report, and the report shall not be deemed to have been received by the Minister until it has been so clarified or amplified.

Copies of
report to
parties.

(4) On receipt of the report of the conciliation board the Minister shall forthwith cause a copy thereof to be sent to each of the parties. *New.*

Remunera-
tion.

28. The members of a conciliation board shall be remunerated for their services as follows:

1. To a member, other than the chairman, an allowance of \$5 for considering the recommendation of a person to be the third member of the board.
2. To a member, other than the chairman, an allowance of \$20 and to the chairman, an allowance of \$25, for each day he is present when the board sits and for each day necessarily spent in travelling from his place of residence to its meetings and returning therefrom, and for each day, not exceeding two, he is engaged in preparing the report of the board.
3. To each member, his actual, necessary and reasonable travelling and living expenses for each day that he is absent from his place of residence in connection with the work of the board. *New.*

Failure
to report.

29. Failure of a conciliation officer or conciliation board to report to the Minister within the time provided in this Act shall not invalidate the proceedings of the conciliation officer or conciliation board or terminate the authority of the conciliation board under this Act. *New.*

Contents of Collective Agreements.

Recognition
provision.

30.—(1) Every collective agreement made after the commencement of this Act shall provide that the trade union that is a party thereto is recognized as the exclusive bargaining agent of the employees in the bargaining unit defined therein.

Addition
by Board.

(2) If any collective agreement made either before or after the commencement of this Act does not contain such a

provision as is mentioned in subsection 1 it may be added to the agreement at any time by the Board upon the application of either party. *New.*

31.—(1) Every collective agreement made after the commencement of this Act shall provide that there will be no strikes or lock-outs so long as the agreement continues to operate. Provision against strikes and lock-outs.

(2) If any collective agreement made either before or after the commencement of this Act does not contain such a provision as is mentioned in subsection 1, it may be added to the agreement at any time by the Board upon the application of either party. *New.* Addition by Board.

32.—(1) Every collective agreement shall provide for the final and binding settlement by arbitration, without stoppage of work, of all differences between the parties arising from the interpretation, application, administration or alleged violation of the agreement, including any question as to whether a matter is arbitrable. Arbitration provision.

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision: Idem.

Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, including any question as to whether a matter is arbitrable, or where an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointee to an arbitration board. The recipient of the notice shall within three days advise the other party of the name of its appointee to the arbitration board. The two appointees so selected shall, within three days of the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chairman, within the time limited, the appointment shall be made by the Minister of Labour for Ontario upon the request of either party. The arbitration board shall hear and determine the difference or allegation and shall issue a decision and the decision shall be final and binding upon the parties and upon any employee affected by it. The decision of a majority shall be the decision of the arbitration board, but if there is no majority the decision of the chairman shall govern.

(3) If, in the opinion of the Board, any part of the arbitration provision including the method of appointment of the arbitrator or arbitration board is inadequate, or if the provision set out in subsection 2 is alleged by either party to be unsuitable, the Board may, on the request of either party, modify any such provision so long as it conforms with subsection 1, but until so modified the arbitration provision in the collective agreement or in subsection 2, as the case may be, shall apply. Where arbitration provision inadequate.

Effect of
arbitrator's
decision.

(4) The decision of an arbitrator or of an arbitration board shall be binding upon the parties and in the case of a collective agreement between a trade union and an employers' organization upon the employers covered by the agreement who are affected by the decision and upon the employees covered by the agreement who are affected by the decision, and such parties, employers and employees shall do or abstain from doing everything required of them by the decision.

Rev. Stat.,
c. 109 not
to apply.

(5) *The Arbitration Act* shall not apply to arbitrations under collective agreements. *New.*

Permissive
provisions.

33.—(1) Notwithstanding anything in this Act, the parties to a collective agreement may include in it provisions,

- (a) for requiring, as a condition of employment, membership in the trade union that is a party to the agreement or granting a preference of employment to members of such trade union, or requiring the payment of dues or contributions to such trade union;
- (b) for permitting an employee who represents the trade union that is a party to the agreement to attend to the business of the trade union during working hours without deduction of the time so occupied in the computation of the time worked for the employer and without deduction of wages in respect of the time so occupied;
- (c) for permitting the trade union that is a party to the agreement to use the employers' premises for the purposes of the trade union without payment therefor.

Membership
in two
unions.

(2) No employer shall discharge an employee who is expelled or suspended from membership in the trade union mentioned in clause *a* of subsection 1 solely because he is a member of another trade union. *New.*

Operation of Collective Agreements.

Certain
agreements
not to be
treated as
collective
agreements.

34. An agreement between an employer or an employers' organization and a trade union shall be deemed not to be a collective agreement for the purposes of this Act,

- (a) if any employer or any employers' organization participated in the formation or administration of the trade union or if any employer or any employers' organization contributed financial or other support to the trade union; or

- (b) if it discriminates against any person because of his race or creed. *New.*

35. A collective agreement made before or after the commencement of this Act shall, subject to and for the purposes of this Act, be binding upon the employer and upon the trade union that is a party to the agreement whether or not the trade union is certified and upon the employees in the bargaining unit defined in the agreement. *New.*

Binding effect of collective agreements on employers, trade unions, and employees.

36.—(1) A collective agreement made after the commencement of this Act between an employers' organization and a trade union shall, subject to and for the purposes of this Act, be binding upon each person who was a member of the employers' organization at the time bargaining commenced and on whose behalf the employers' organization bargained with the trade union as if it was made between each of such persons and the trade union, and if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union.

Binding effect of collective agreements on members of employers' organizations.

(2) When an employers' organization commences to bargain with a trade union, it shall deliver to the trade union a list of the names of the employers on whose behalf it is bargaining and, in default of so doing, it shall be deemed to bargain for all members of the employers' organization for whose employees the trade union is entitled to bargain and to make a collective agreement at that time. *New.*

Duty to disclose.

37.—(1) If a collective agreement made before or after the commencement of this Act does not provide for its term of operation or provides for its operation for an unspecified term or for a term of less than one year, it shall be deemed to provide for its operation for a term of one year from the date that it commenced to operate.

Minimum term of collective agreements.

(2) Notwithstanding subsection 1, the parties may, before or after a collective agreement has ceased to operate, agree to continue its operation or any of its provisions for any period less than one year while they are bargaining for the renewal, with or without modifications of it, or for a new agreement, but such continued operation shall not bar an application for certification or for a declaration that the trade union no longer represents the employees in the bargaining unit.

Extension of term of collective agreements.

(3) A collective agreement shall not be terminated by the parties before it ceases to operate in accordance with its provisions or this Act without the consent of the Board on the joint application of the parties.

Early termination of collective agreements.

Revision
by mutual
consent.

(4) Nothing in this section shall be deemed to prevent the revision by mutual consent of the parties at any time of any provision of a collective agreement other than a provision relating to its term of operation. *New.*

Notice of
desire to
bargain
for new
collective
agreement.

38.—(1) Either party to a collective agreement made before or after the commencement of this Act may within the period of two months before the agreement ceases to operate give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement.

Idem.

(2) A notice given by a party to a collective agreement in accordance with provisions in the agreement relating to its termination or renewal shall be deemed to comply with subsection 1.

Notice of
desire for
new
collective
agreement
for
employers'
organization.

(3) Where notice is given by or to an employers' organization that has a collective agreement with a trade union, it shall be deemed to be a notice given by or to each member of the employers' organization who is bound by the agreement. *New.*

Application
of ss. 11
to 29.

39. Sections 11 to 29 shall apply to the bargaining that follows the giving of a notice under section 38. *New.*

Termination of Bargaining Rights.

Application
for new
certification,
one-year
agreements;

40.—(1) Where a collective agreement is for a term of one year a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the agreement has been in operation for ten months.

agreements
from year
to year;

(2) Where a collective agreement is for a term of one year and it provides that it will continue to operate for a further term of one year or for successive terms of one year if either party fails to give to the other party notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement and no such notice is given, a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar two-month period at the end of each year that the agreement continues to operate, as the case may be.

agreements
for more
than one
year;

(3) Where a collective agreement is for a term of more than one year a trade union may apply for certification as

bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar two-month period at the end of each year that the agreement continues to operate or not more than two months before the agreement ceases to operate, as the case may be.

(4) If the trade union that applies for certification under subsection 1, 2 or 3 is certified as bargaining agent for any of the employees in the bargaining unit defined in the collective agreement, the trade union that was or is a party to the agreement, as the case may be, shall forthwith cease to represent the employees in the bargaining unit determined in the certificate and the agreement shall cease to operate in so far as it affects such employees. *New.* ^{effect of certification.}

41.—(1) If a trade union does not make a collective agreement with the employer within one year after its certification any of the employees in the bargaining unit determined in the certificate may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit. ^{Application for termination, not agreement;}

(2) Any of the employees in the bargaining unit defined in a collective agreement may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit, ^{agreement.}

- (a) in the case of an agreement for a term of one year, only after the agreement has been in operation for ten months;
- (b) in the case of an agreement for a term of one year that provides that it will continue to operate for a further term of one year or for successive terms of one year if either party fails to give to the other party notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement and no such notice is given, only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar two-month period at the end of each year that the agreement continues to operate, as the case may be;
- (c) in the case of an agreement for a term of more than one year only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar

two-month period at the end of each year that the agreement continues to operate or not more than two months before the agreement ceases to operate, as the case may be.

Representa-
tion vote.

(3) Upon an application under subsection 1 or 2 the Board shall ascertain whether a majority of the employees in the bargaining unit have signified in writing that they no longer wish to be represented by the trade union and, if a majority so signify, the Board shall, by a representation vote, satisfy itself that a majority of the employees desire that the right of the trade union to bargain on their behalf be terminated.

Declaration
of
termination.

(4) If on the taking of the representation vote more than fifty per centum of the ballots of all those eligible to vote are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

Absent
employees.

(5) In determining the number of eligible voters for the purpose of subsection 4, employees who are absent from work during voting hours and who do not cast their ballots shall not be counted as eligible.

Declaration
to terminate
agreement.

(6) Upon the Board making a declaration under subsection 4, any collective agreement in operation between the trade union and the employer that is binding upon the employees in the bargaining unit shall cease to operate forthwith. *New.*

Where
certificate
obtained by
fraud.

42. If a trade union has obtained a certificate by fraud, the Board may at any time declare that the trade union no longer represents the employees in the bargaining unit and, upon the making of such a declaration, the trade union shall not be entitled to claim any rights or privileges flowing from certification and, if it has made a collective agreement binding upon the employees in the bargaining unit, such agreement shall be null and void. *New.*

Termination,
for failure
to give
notice;

43.—(1) If a trade union fails to give the employer notice under section 10 within sixty days following certification or if it fails to give notice under section 38 and no such notice is given by the employer, the Board may, upon the application of the employer or of any of the employees in the bargaining unit, and with or without a representation vote, declare that the trade union no longer represents the employees in the bargaining unit.

for failure
to bargain.

(2) Where a trade union that has given notice under section 10 or section 38 or that has received notice under section 38 fails to commence to bargain within sixty days from the

giving of the notice, or after having commenced to bargain but before the Board has granted a request for conciliation services, allows a period of sixty days to elapse during which it has not sought to bargain, the Board may, upon the application of the employer or of any of the employees in the bargaining unit and with or without a representation vote, declare that the trade union no longer represents the employees in the bargaining unit. *New.*

44.—(1) Where notice is given under section 38 and the Board grants a request for conciliation services, no application for certification of a bargaining agent of any of the employees in the bargaining unit as defined in the collective agreement shall be made after the date when the agreement ceases to operate or the date when the request is granted, whichever is later, unless following the granting of the request a collective agreement has been made between the parties and it has operated for at least ten months. *Application for certification after conciliation services granted.*

(2) Where notice is given under section 38 and the Board grants a request for conciliation services, no application for a declaration that the trade union that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit as defined in the agreement shall be made after the date when the agreement ceases to operate or the date when the request is granted, whichever is later, unless following the granting of the request a collective agreement has been made between the parties and it has operated for at least ten months, or if no such agreement has been made, unless at least twelve months have elapsed from the date of the granting of the request. *Application for termination after conciliation services granted.* *New.*

Unfair Practices.

45. No employer or employers' organization and no person acting on behalf of an employer or an employers' organization shall participate in or interfere with the formation or administration of a trade union or contribute financial or other support to a trade union. *Employers not to interfere with unions.* *New.*

46. No trade union and no person acting on behalf of a trade union shall participate in or interfere with the formation or administration of an employers' organization or contribute financial or other support to an employers' organization. *Unions not to interfere with employers' organizations.* *New.*

47. No employer, employers' organization or person acting on behalf of an employer or an employers' organization, *Employers not to interfere with employees' rights.*

- (a) shall refuse to employ or to continue to employ any person, or discriminate against any person in regard to employment or any term or condition of employ-

ment because the person is a member of a trade union or is exercising any other rights under this Act;

- (b) shall impose any condition in a contract of employment or propose the imposition of any condition in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of a trade union or exercising any other rights under this Act; or
- (c) shall seek by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or other penalty, or by any other means to compel an employee to become or refrain from becoming or to continue to be or to cease to be a member or officer or representative of a trade union or to exercise any other rights under this Act. *New.*

Intimidation
and coercion.

48.—(1) No person shall seek by intimidation or coercion to compel any person to become or refrain from becoming or to continue to be or to cease to be a member of a trade union or of an employers' organization.

Persuasion
during
working
hours.

(2) Nothing in this Act shall be deemed to authorize any person to attempt at the place at which an employee works to persuade him during his working hours to become or refrain from becoming or continuing to be a member of a trade union. *New.*

Strike or
lock-out,
agreement;

49.—(1) Where a collective agreement is in operation no employee bound by the agreement shall strike and no employer bound by the agreement shall lock out such an employee.

no
agreement.

(2) Where no collective agreement is in operation no employee shall strike and no employer shall lock out an employee until a trade union has become entitled to give and has given notice under section 10 or has given notice under section 38 on behalf of the employee to his employer, or in the case of a notice under section 38, has received such notice, and conciliation services have been granted and seven days have elapsed after the conciliation board has reported to the Minister. *New.*

Unlawful
strikes.

50. No trade union shall call or authorize, and no officer, official or agent of a trade union shall counsel, procure, support or encourage an unlawful strike. *New.*

Unlawful
lock-outs.

51. No employer or employers' organization shall call or authorize, and no officer, official or agent of an employer or employers' organization shall counsel, procure, support or encourage an unlawful lock-out. *New.*

52. Nothing in this Act shall be deemed to prohibit any ^{Saving.} suspension or discontinuance for cause of an employer's operations or the quitting of employment for cause if the suspension, discontinuance or quitting does not constitute a lock-out or strike. *New.*

53. Where notice has been given under section 10 or section 38 and whether or not a collective agreement is in operation, no employer shall, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer, the trade union, or the employees until conciliation services have been granted and seven days have elapsed after the conciliation board has reported to the Minister or until the right of the trade union to represent the employees has been terminated, whichever occurs first. *New.* ^{Working conditions may not be altered.}

Information.

54. Each party to a collective agreement shall, forthwith after it is made, file one copy with the Board. *New.* ^{Collective agreements to be filed.}

55. The Board may direct any trade union or employers' organization to file with the Board within the time prescribed in the direction a copy of its constitution and by-laws and a statutory declaration of its president or secretary setting forth the names and addresses of its officers. *New.* ^{Officers, constitution, etc.}

56. Every publication that deals with the relations between employers or employers' organizations and trade unions or employees shall bear the names and addresses of its printer and its publisher. *New.* ^{Publications.}

Enforcement.

57.—(1) The Minister may appoint a conciliation officer to inquire into any complaint that any person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act. ^{Inquiry by conciliation officer;}

(2) The conciliation officer shall forthwith after he is appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of. ^{duties;}

(3) The conciliation officer shall report the results of his report. ^{report.} *New.*

58.—(1) If the conciliation officer is unable to effect a settlement of the matter complained of, the Minister may appoint a commissioner and shall forthwith communicate the ^{Commissioners, appointment;}

name of the commissioner to the parties and thereupon it shall be presumed conclusively that the commissioner was appointed in accordance with this Act, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commissioner, or to review, prohibit or restrain any of his proceedings.

powers;

(2) The commissioner shall have all the powers of a conciliation board under section 26.

duties;

(3) The commissioner shall give the parties full opportunity to present evidence and to make submissions and if he finds that the complaint is supported by the evidence he shall recommend to the Minister the course that ought to be taken with respect to the complaint, which may include reinstatement with or without compensation for loss of earnings and other benefits.

clarification
etc., of
recom-
mendations;

(4) After a commissioner has made his recommendations, the Minister may direct him to clarify or amplify any of his recommendations and they shall not be deemed to have been received by the Minister until they have been so clarified or amplified.

Minister's
order;

(5) The Minister shall issue whatever order he deems necessary to carry the recommendations of the commissioner into effect and the order shall be final and shall be complied with in accordance with its terms.

remunera-
tion.

(6) A commissioner shall be remunerated for his services at the same rate as the chairman of a conciliation board. *New.*

Declaration
of unlawful
strikes.

59.—(1) Where a trade union calls or authorizes a strike which the employer or employers' organization concerned alleges is unlawful, the employer or employers' organization may apply to the Board for a declaration that the strike is unlawful and the Board may make such a declaration.

Additional
declaration.

(2) If the Board makes a declaration under subsection 1, it may in addition declare that the services of the Board will not be available to the trade union or to its parent organization or to the subordinate branches of such parent organization, or any one or more of them, so long as the strike continues. *New.*

Declaration
of unlawful
lock-outs.

60.—(1) Where an employer or employers' organization calls or authorizes a lock-out which any of the employees or the trade union concerned alleges is unlawful, any of the employees or the trade union may apply to the Board for a

declaration that the lock-out is unlawful and the Board may make such a declaration.

(2) If the Board makes a declaration under subsection 1, ^{Additional declaration.} it may in addition declare that the services of the Board will not be available to the employer or employers' organization so long as the lock-out continues. *New.*

61.—(1) Every person, trade union or employers' organization who fails to comply with any provision of this Act or of any decision, order, direction, declaration or ruling made under this Act is guilty of an offence and on summary conviction is liable, ^{Offences and penalties.}

(a) if an individual, to a penalty of not more than \$500; or

(b) if a corporation, trade union or employers' organization, to a penalty of not more than \$5,000.

(2) Each day that any person, trade union or employers' organization fails to comply with any provision of this Act or of any decision, order, direction, declaration or ruling made under this Act shall be deemed to constitute a separate offence. ^{Continued offences.}

(3) Every penalty recovered for an offence under this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. ^{Disposition of penalties.} *New.*

62. An information or complaint in respect of any contravention of this Act may be for one or more offences and no information, complaint, warrant, conviction or other proceedings in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. ^{Information may be in respect of one or more offences.} *New.*

63. If a corporation, trade union or employers' organization is guilty of an offence under this Act, every officer, official or agent thereof who assented to the commission of the offence shall be deemed to be a party to and guilty of the offence. ^{Parties.} *New.*

64. A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the union or organization shall be deemed to be an act or thing done or omitted by the union or organization. ^{Style of prosecutions.} *New.*

Consent.

65. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Board.
New.

Administration.

Ontario
Labour
Relations
Board
continued;

66.—(1) The Ontario Labour Relations Board is continued.
New.

composition;

(2) The Board shall consist of a chairman and two or four other members who shall be equally representative of employers and employees. 1948, c. 51, s. 2 (1), *amended*.

appoint-
ments;

(3) The chairman and other members of the Board shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. 1948, c. 51, s. 3 (1).

vice-
chairman;

(4) The Lieutenant-Governor in Council may appoint a vice-chairman who shall act as chairman and as a member of the Board only,

(a) at such times or in such matters as the chairman may direct; and

(b) at such times as the chairman is unable to act.
1948, c. 51, s. 3 (2), *amended*.

oath of
office;

(5) Each member of the Board shall, before entering upon his duties, take and subscribe before the Clerk of the Executive Council and file in his office an oath of office in the following form:

I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (*or chairman, or vice-chairman*) of the Ontario Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the Board. So help me God.

1948, c. 51, s. 3 (3).

office;

(6) The office of the Board shall be in Toronto but the Board may sit at such other places as it deems expedient. 1948, c. 51, s. 3 (4).

quorum;

(7) A majority of the members of the Board shall constitute a quorum. 1948, c. 51, s. 3 (5).

decisions;

(8) The decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or vice-chairman, as the case may be, shall have a casting vote. 1948, c. 51, s. 3 (6), *amended*.

(9) The Board shall have an official seal. *New.* seal;

(10) The Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Board may, subject to the approval of the Lieutenant-Governor in Council, make rules governing its practice and procedure and prescribing such forms as may be deemed advisable. 1948, c. 51, s. 3 (9), *amended.*

(11) The Lieutenant-Governor in Council may appoint a registrar, such other officers and such clerks and servants as may be required for the purposes of the Board and they shall exercise such powers and perform such duties as may be conferred or imposed upon them by the Board. 1948, c. 51, s. 6, *amended.* registrar, etc.;

(12) The chairman, the vice-chairman, if any, the other members of the Board and its registrar and other officers shall be paid such remuneration as may be fixed by the Lieutenant-Governor in Council. 1948, c. 51, s. 10, *part, amended.* remuneration.

67.—(1) The Board shall exercise such powers and perform such duties as may be conferred or imposed upon it by or under this Act. 1948, c. 51, s. 2 (2). Powers and duties of Board, general;

(2) Without limiting the generality of subsection 1 the Board shall have power, the specific.

(a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath, and to produce such documents and things as the Board deems requisite to the full investigation and consideration of matters within its jurisdiction in the same manner as a court of record in civil cases;

(b) to administer oaths;

(c) to accept such oral or written evidence as it in its discretion may deem proper, whether admissible in a court of law or not;

(d) to require employers to post and to keep posted upon their premises in a conspicuous place or places where they are most likely to come to the attention of all employees concerned, any notices that the Board deems necessary to bring to the attention of such employees in connection with any proceedings before the Board;

- (e) to enter any premises where work is being or has been done by the employees or in which the employer carries on business, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter;
- (f) to enter upon the premises of employers and conduct representation votes during working hours and give such directions in connection with the vote as it may deem necessary;
- (g) to authorize any person to do anything that the Board may do under clauses *a* to *f* and to report to the Board thereon;
- (h) to bar an unsuccessful applicant for certification or for a declaration that a trade union no longer represents the employees from filing a new application for any period that the Board may specify not exceeding ten months. 1948, c. 51, s. 3 (7, 8), *amended*.

Jurisdiction. **68.**—(1) The Board shall have exclusive jurisdiction to exercise the powers conferred upon it by or under this Act and without limiting the generality of the foregoing, if any question arises in any proceeding,

- (a) as to whether a person is an employer or an employee;
- (b) as to whether an organization is a trade union or an employers' organization;
- (c) as to whether a collective agreement has been made or as to whether it is in operation or as to who the parties are or who are bound by it or on whose behalf it was made;
- (d) as to whether a group of employees constitute a bargaining unit;
- (e) as to whether the parties have bargained in good faith and made every reasonable effort to make a collective agreement;
- (f) as to whether a trade union represents the employees in a bargaining unit; or
- (g) as to whether a person is a member of a trade union,

the decision of the Board thereon shall be final and conclusive for all purposes, but nevertheless the Board may at any time

if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling.

(2) If in the course of bargaining for a collective agreement Idem. or if during the period of operation of a collective agreement, any question arises as to whether a person is an employee, the question may be referred to the Board and the decision of the Board thereon shall be final and conclusive for all purposes. 1948, c. 51, s. 4, *amended*.

69. No decision, order, direction, declaration or ruling of the Board shall be questioned or reviewed in any court, and no order shall be made or process entered, or proceedings taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto, or otherwise, to question, review, prohibit or restrain the Board or any of its proceedings. 1948, c. 51, s. 5. Board's orders not subject to review.

70. No member of the Board, nor its registrar, nor any of its other officers, nor any of its clerks or servants shall be required to give testimony in any civil suit respecting information obtained in the discharge of their duties under this Act. *New.* Protection from being called as witness.

71. Any document purporting to be or to contain a copy of a decision, order, direction, declaration or ruling of the Board and purporting to be signed by a member of the Board or by its registrar shall be accepted by any court as evidence of such decision, order, direction, declaration or ruling. *New.* Documentary evidence.

General.

72.—(1) The records of a trade union relating to membership or any records that may disclose whether any person is or is not a member of a trade union or does or does not desire to be represented by a trade union produced in any proceeding before the Board shall be for the exclusive use of the Board and its officers and shall not, save with the consent of the Board, be disclosed, and no person shall, save with the consent of the Board, be compelled to disclose whether any person is or is not a member of a trade union or does or does not desire to be represented by a trade union. Secrecy as to union membership.

(2) No information or material furnished to or received by a conciliation officer under this Act and no report of a conciliation officer shall be disclosed except to the Minister, the Deputy Minister of Labour or the chief conciliation officer of the Department of Labour, and no conciliation officer shall be Secrecy of information given conciliation officers.

a competent or compellable witness in any proceeding before any court or other tribunal respecting any such information, material or report. *New.*

Delegation
of Minister's
powers to
Deputy
Minister.

73. Where an appointment, order or direction is required to be made under this Act by the Minister, he may authorize the Deputy Minister of Labour to make such appointment, order or direction, and any document purporting to be or to contain a copy of any such appointment, order or direction purporting to be signed by the Minister or by the Deputy Minister shall be accepted by any court as evidence of such appointment, order or direction. *New.*

Mailed
notices.

74. For the purposes of this Act and of any proceeding taken under it, any notice or communication sent through His Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail. *New.*

Defects in
form;
technical
irregularities.

75. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity nor shall it be quashed or set aside if no substantial wrong or miscarriage of justice has occurred. *New.*

Administra-
tion cost.

76. The expenses incurred in the administration of this Act shall be paid out of such moneys as may be appropriated by the Legislature for the purpose. 1948, c. 51, s. 10, *part, amended.*

Regulations.

77. The Lieutenant-Governor in Council may make regulations,

- (a) to provide for and regulate the engagement by conciliation boards of experts, investigators and other assistants;
- (b) to prescribe procedures regulating the payment of expenses of conciliation boards;
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1948, c. 51, s. 7, *amended.*

1948, c. 51;
O. Reg.
279/48;
O. Reg.
280/48,
repealed.

78. *The Labour Relations Act, 1948* and the regulations made thereunder are repealed, but every proceeding pending before the Board when this Act comes into force shall be carried to a conclusion under the law in force when such proceeding was commenced.

Effect of
certification
under
previous
law.

79. Every trade union that is certified as the bargaining agent for a unit of employees when this Act comes into force shall be deemed to have been certified under this Act.

80. The chairman, the vice-chairman, if any, and the other ^{Present} members of the Board and its registrar and other officers in ^{Board, etc.} office when this Act comes into force shall continue in office ^{continued.} during pleasure.

81. Every by-law, resolution or minute passed or made ^{Present} under clause *e* of section 9 of *The Labour Relations Act, 1948* ^{by-laws, etc.,} in force when this Act comes into force shall continue in force ^{to continue.} and be applicable to this Act until it is repealed or revoked by a by-law, resolution or minute, as the case may be.

82. This Act shall come into force on a day to be named ^{Commence-} by the Lieutenant-Governor by his Proclamation. ^{ment of Act.}

83. This Act may be cited as *The Labour Relations Act*, ^{Short title.} 1950.

The Labour Relations Act, 1950.

1st Reading

February 28th, 1950

2nd Reading

3rd Reading

MR. DALEY

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Labour Relations Act, 1950.

MR. DALEY

(Reprinted for consideration by the Committee of the Whole House.)

BILL

The Labour Relations Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation.

- (a) "bargaining unit" means a unit of employees appropriate for collective bargaining, whether it is an employer unit or a plant unit or any subdivision of either of them;
- (b) "Board" means Ontario Labour Relations Board;
- (c) "collective agreement" means an agreement in writing between an employer or an employers' organization, on the one hand, and a trade union representing employees of the employer or employees of members of the employers' organization, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employers' organization, the trade union or the employees;
- (d) "conciliation services" means the services of a conciliation officer and, if necessary, a conciliation board;
- (e) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- (f) "lock-out" includes the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of his employees, with a view to compel or induce his employees, or to aid another employer to compel or induce his employees, to agree to provisions or changes in provisions respecting terms or conditions

of employment or the rights, privileges or duties of the employer, an employers' organization, the trade union, or the employees;

(g) "Minister" means Minister of Labour;

(h) "strike" includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output;

(i) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

Idem.

(2) For the purposes of this Act no person shall be deemed to have ceased to be an employee by reason only of his ceasing to work for his employer as the result of a lock-out or strike or by reason only of his being dismissed by his employer contrary to this Act or to a collective agreement.

Idem.

(3) For the purposes of this Act, no person shall be deemed to be an employee,

(a) who is a member of the architectural, dental, engineering, legal or medical profession entitled to practise in Ontario and employed in a professional capacity; or

(b) who is a manager or superintendent or who exercises managerial functions or is employed in a confidential capacity in matters relating to labour relations.
New.

Application of Act.

Where Act
not to
apply.

2. This Act does not apply,

(a) to any domestic employed in a private home;

(b) to any person employed in agriculture, horticulture, hunting or trapping;

1949, c. 72.

(c) to any member of a police force within the meaning of *The Police Act, 1949*;

1949, c. 33.

(d) to any full-time fire fighter within the meaning of *The Fire Departments Act, 1949*; or

(e) to any teacher as defined in *The Teaching Profession* 1944, c. 64.
Act, 1944. 1948, c. 51, s. 9, amended.

Freedoms.

3. Every person is free to join a trade union of his own choice and to participate in its lawful activities. *New.* Membership in trade union.

4. Every person is free to join an employers' organization of his own choice and to participate in its lawful activities. *New.* Membership in employers' organization.

Establishment of Bargaining Rights by Certification.

5. A trade union may apply to the Board for certification as bargaining agent of the employees of an employer in a unit which it claims to be appropriate for collective bargaining. *New.* Application for certification.

6.—(1) Upon an application for certification the Board shall determine the unit of employees that is appropriate for collective bargaining, but which in every case shall consist of more than one employee. Board to determine appropriateness of units.

(2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft. *New.* Craft units.

7.—(1) Upon an application for certification the Board shall ascertain, by an examination of the records of the trade union and the records of the employer, the number of employees in the bargaining unit who are members of the trade union. Determination of number of union members in bargaining unit.

(2) If on an examination under subsection 1 the Board is satisfied that not less than forty-five per centum and not more than fifty-five per centum of the employees in the bargaining unit are members of the trade union, the Board shall, and if the Board is satisfied that more than fifty-five per centum of such employees are members of the trade union, the Board may direct that a representation vote be taken. Representation vote.

Certification
after vote.

(3) If on the taking of a representation vote more than fifty per centum of the ballots of all those eligible to vote are cast in favour of the trade union, and in other cases if the Board is satisfied that more than fifty-five per centum of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit.

Absent
employees.

(4) In determining the number of eligible voters for the purpose of subsection 3, employees who are absent from work during voting hours and who do not cast their ballots shall not be counted as eligible.

Certification
without vote.

(5) If on an examination under subsection 1 the Board is satisfied that more than fifty per centum of the employees in the bargaining unit are members of the trade union and that the true wishes of the employees are not likely to be disclosed by a representation vote, the Board may certify the trade union as bargaining agent without taking a representation vote. *New.*

Security
guards.

8. The Board shall not include in a bargaining unit with other employees any person employed as a guard to protect the property of his employer and no trade union shall be certified as bargaining agent for a bargaining unit of such guards if it admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than such guards. *New.*

What
unions not
to be
certified.

9. The Board shall not certify any trade union if any employer or any employers' organization has participated in its formation or administration or has contributed financial or other support to it. *New.*

Negotiation of Collective Agreements.

Notice of
desire to
bargain.

10. Following certification, the trade union shall give the employer written notice of its desire to bargain with a view to making a collective agreement. *New.*

Obligation
to bargain.

11. The parties shall meet within twenty days from the giving of the notice or within such further period as the parties may agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement. *New.*

Composition
of
bargaining
committee.

12. During bargaining a trade union shall be represented by a bargaining committee consisting of employees of the employer who are in the bargaining unit, or in the case of bargaining between a trade union and an employers' organization, consisting of employees of one or more members of such organization who are in the bargaining unit, and in either case a bargaining committee may include one or more officers or other representatives of the trade union. *New.*

13.—(1) Where fifty days or more have elapsed from the giving of the notice and it appears that a collective agreement will not be made within a reasonable time, either party may file with the Board a request that conciliation services be made available to the parties, whereupon the Board shall grant the request, but before doing so it may postpone consideration of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime. Requests for conciliation services.

(2) Upon the joint request of the parties, or upon the request of either of them, the Board, if it is satisfied that no progress in bargaining is being made, may grant the request for conciliation services notwithstanding that the fifty-day period mentioned in subsection 1 has not elapsed. *New.* Idem.

14.—(1) Where the Board grants a request for conciliation services the Minister shall forthwith appoint a conciliation officer. Conciliation officer, appointment;

(2) The conciliation officer shall confer with the parties and endeavour to effect a collective agreement and he shall, within fourteen days from his appointment, report the result of his endeavour to the Minister. duties.

(3) The period mentioned in subsection 2 may be extended by agreement of the parties or by the Minister upon the advice of the conciliation officer that a collective agreement may be made within a reasonable time if such period is extended. Extension of 14-day period.
New.

15. If the conciliation officer is unable to effect a collective agreement within the time allowed under section 14, the Minister shall forthwith by notice in writing request each of the parties, within seven days of the receipt of the notice, to recommend one person to be a member of a conciliation board, and the Minister shall, upon the receipt of the recommendations or upon the expiration of the seven-day period appoint two members who, in his opinion, represent the points of view of the respective parties, and the two members so appointed may, within five days after they are appointed, jointly recommend a third person to be a member and chairman of the board, and the Minister shall, upon the receipt of the recommendation or upon the expiration of the five-day period, appoint a third person to be a member and chairman of the board. *New.* Conciliation board, appointment of members.

16. No person shall act as a member of a conciliation board who has any pecuniary interest in the matters coming before it or who is acting, or has, within a period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties. *New.* Certain persons prohibited as members.

Notice to
parties of
appointment.

17.—(1) When the members of the conciliation board have been appointed, the Minister shall forthwith give notice of their names to the parties and thereupon the board shall be deemed to have been established.

Presumption
of establish-
ment.

(2) When notice under subsection 1 has been given it shall be presumed conclusively that the conciliation board has been established in accordance with this Act, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quò warrantò, or otherwise, to question the establishment of the conciliation board or the appointment of any of its members, or to review, prohibit or restrain any of its proceedings. *New.*

Vacancies.

18. If a person ceases to be a member of a conciliation board by reason of his resignation or death before it has completed its work, the Minister shall appoint a member in his place after consulting the party whose point of view was represented by such person. *New.*

Terms of
reference.

19. As soon as a conciliation board has been established, the Minister shall deliver to its chairman a statement of the matters referred to it and the Minister may, either before or after its report is made, amend or add to such statement. *New.*

Oath of
office.

20. Each member of a conciliation board shall, before entering upon his duties, take and subscribe before a person authorized to administer oaths, and file with the Minister, an oath in the following form:

I do solemnly swear that I am not disqualified under section 16 of *The Labour Relations Act, 1950*, from acting as a member of a conciliation board and that I will faithfully, truly and impartially, to the best of my knowledge, skill and ability, execute and perform the office of member (*or* chairman) of the conciliation board established to.....
.....
and that I will not, except as I may be legally authorized, disclose to any person any of the evidence or other matter brought before the board. So help me God.

New.

Duties.

21. As soon as a conciliation board is established it shall endeavour to effect agreement between the parties on the matters referred to it. *New.*

Procedure.

22.—(1) Subject to this Act, a conciliation board shall determine its own procedure.

Presentation
of evidence.

(2) A conciliation board shall give full opportunity to the parties to present their evidence and to make their submissions. *New.*

23. The chairman of a conciliation board shall, after consultation with the other members of the board, fix the time and place of its sittings, and he shall notify the parties and the other members of the board of the time and place so fixed. *New.* Sittings.

24. The chairman and one other member of a conciliation board shall constitute a quorum but, in the absence of any member, the other members shall not proceed unless the absent member has been given reasonable notice of the sitting. *New.* Quorum.

25. If the members of a conciliation board are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman shall govern. *New.* Casting vote.

26. A conciliation board shall have power, Powers.

- (a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath, and to produce such documents and things as the board deems requisite to the full investigation and consideration of the matters referred to it in the same manner as a court of record in civil cases;
- (b) to administer oaths;
- (c) to accept such oral or written evidence as it in its discretion may deem proper, whether admissible in a court of law or not;
- (d) to enter any premises where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken place concerning any of the matters referred to the board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such matters;
- (e) to authorize any person to do anything that the board may do under clause *d* and to report to the board thereon. *New.*

27.—(1) A conciliation board shall, within fourteen days from the appointment of its chairman, report its findings and recommendations to the Minister and the report of the majority shall be the report of the board. When report to be made.

(2) The period mentioned in subsection 1 may be extended Extension of 14-day period.

by agreement of the parties or by the Minister upon the advice of the conciliation board that agreement may be effected between the parties on the matters referred to the board if such period is extended.

Clarification
etc., of
report.

(3) After a conciliation board has made its report, the Minister may direct it to clarify or amplify any part of its report, and the report shall not be deemed to have been received by the Minister until it has been so clarified or amplified.

Copies of
report to
parties.

(4) On receipt of the report of the conciliation board the Minister shall forthwith cause a copy thereof to be sent to each of the parties. *New.*

Remunera-
tion.

28. The members of a conciliation board shall be remunerated for their services as follows:

1. To a member, other than the chairman, an allowance of \$5 for considering the recommendation of a person to be the third member of the board.
2. To a member, other than the chairman, an allowance of \$20 and to the chairman, an allowance of \$25, for each day he is present when the board sits and for each day necessarily spent in travelling from his place of residence to its meetings and returning therefrom, and for each day, not exceeding two, he is engaged in preparing the report of the board.
3. To each member, his actual, necessary and reasonable travelling and living expenses for each day that he is absent from his place of residence in connection with the work of the board. *New.*

Failure
to report.

29. Failure of a conciliation officer or conciliation board to report to the Minister within the time provided in this Act shall not invalidate the proceedings of the conciliation officer or conciliation board or terminate the authority of the conciliation board under this Act. *New.*

Contents of Collective Agreements.

Recognition
provision.

30.—(1) Every collective agreement made after the commencement of this Act shall provide that the trade union that is a party thereto is recognized as the exclusive bargaining agent of the employees in the bargaining unit defined therein.

Addition
by Board.

(2) If any collective agreement made either before or after the commencement of this Act does not contain such a

provision as is mentioned in subsection 1 it may be added to the agreement at any time by the Board upon the application of either party. *New.*

31.—(1) Every collective agreement made after the commencement of this Act shall provide that there will be no strikes or lock-outs so long as the agreement continues to operate. Provision against strikes and lock-outs.

(2) If any collective agreement made either before or after the commencement of this Act does not contain such a provision as is mentioned in subsection 1, it may be added to the agreement at any time by the Board upon the application of either party. *New.* Addition by Board.

32.—(1) Every collective agreement shall provide for the final and binding settlement by arbitration, without stoppage of work, of all differences between the parties arising from the interpretation, application, administration or alleged violation of the agreement, including any question as to whether a matter is arbitrable. Arbitration provision.

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision: Idem.

Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, including any question as to whether a matter is arbitrable, or where an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointee to an arbitration board. The recipient of the notice shall within five days advise the other party of the name of its appointee to the arbitration board. The two appointees so selected shall, within five days of the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chairman, within the time limited, the appointment shall be made by the Minister of Labour for Ontario upon the request of either party. The arbitration board shall hear and determine the difference or allegation and shall issue a decision and the decision shall be final and binding upon the parties and upon any employee affected by it. The decision of a majority shall be the decision of the arbitration board, but if there is no majority the decision of the chairman shall govern.

(3) If, in the opinion of the Board, any part of the arbitration provision including the method of appointment of the arbitrator or arbitration board is inadequate, or if the provision set out in subsection 2 is alleged by either party to be unsuitable, the Board may, on the request of either party, modify any such provision so long as it conforms with subsection 1, but until so modified the arbitration provision in the collective agreement or in subsection 2, as the case may be, shall apply. Where arbitration provision inadequate.

Effect of
arbitrator's
decision.

(4) The decision of an arbitrator or of an arbitration board shall be binding upon the parties and in the case of a collective agreement between a trade union and an employers' organization upon the employers covered by the agreement who are affected by the decision and upon the employees covered by the agreement who are affected by the decision, and such parties, employers and employees shall do or abstain from doing everything required of them by the decision.

Rev. Stat.,
c. 109 not
to apply.

(5) *The Arbitration Act* shall not apply to arbitrations under collective agreements. *New.*

Permissive
provisions.

33.—(1) Notwithstanding anything in this Act, the parties to a collective agreement may include in it provisions,

- (a) for requiring, as a condition of employment, membership in the trade union that is a party to the agreement or granting a preference of employment to members of such trade union, or requiring the payment of dues or contributions to such trade union;
- (b) for permitting an employee who represents the trade union that is a party to the agreement to attend to the business of the trade union during working hours without deduction of the time so occupied in the computation of the time worked for the employer and without deduction of wages in respect of the time so occupied;
- (c) for permitting the trade union that is a party to the agreement to use the employers' premises for the purposes of the trade union without payment therefor.

Membership
in two
unions.

(2) No employer shall discharge an employee who is expelled or suspended from membership in the trade union mentioned in clause *a* of subsection 1 solely because he is a member of another trade union. *New.*

Operation of Collective Agreements.

Certain
agreements
not to be
treated as
collective
agreements.

34. An agreement between an employer or an employers' organization and a trade union shall be deemed not to be a collective agreement for the purposes of this Act,

- (a) if any employer or any employers' organization participated in the formation or administration of the trade union or if any employer or any employers' organization contributed financial or other support to the trade union; or

- (b) if it discriminates against any person because of his race or creed. *New.*

35. A collective agreement made before or after the commencement of this Act shall, subject to and for the purposes of this Act, be binding upon the employer and upon the trade union that is a party to the agreement whether or not the trade union is certified and upon the employees in the bargaining unit defined in the agreement. *New.*

Binding effect of collective agreements on employers, trade unions, and employees.

36.—(1) A collective agreement made after the commencement of this Act between an employers' organization and a trade union shall, subject to and for the purposes of this Act, be binding upon each person who was a member of the employers' organization at the time bargaining commenced and on whose behalf the employers' organization bargained with the trade union as if it was made between each of such persons and the trade union, and if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union.

Binding effect of collective agreements on members of employers' organizations.

(2) When an employers' organization commences to bargain with a trade union, it shall deliver to the trade union a list of the names of the employers on whose behalf it is bargaining and, in default of so doing, it shall be deemed to bargain for all members of the employers' organization for whose employees the trade union is entitled to bargain and to make a collective agreement at that time. *New.*

Duty to disclose.

37.—(1) If a collective agreement made before or after the commencement of this Act does not provide for its term of operation or provides for its operation for an unspecified term or for a term of less than one year, it shall be deemed to provide for its operation for a term of one year from the date that it commenced to operate.

Minimum term of collective agreements.

(2) Notwithstanding subsection 1, the parties may, before or after a collective agreement has ceased to operate, agree to continue its operation or any of its provisions for any period less than one year while they are bargaining for the renewal, with or without modifications of it, or for a new agreement, but such continued operation shall not bar an application for certification or for a declaration that the trade union no longer represents the employees in the bargaining unit.

Extension of term of collective agreements.

(3) A collective agreement shall not be terminated by the parties before it ceases to operate in accordance with its provisions or this Act without the consent of the Board on the joint application of the parties.

Early termination of collective agreements.

Revision
by mutual
consent.

(4) Nothing in this section shall be deemed to prevent the revision by mutual consent of the parties at any time of any provision of a collective agreement other than a provision relating to its term of operation. *New.*

Notice of
desire to
bargain
for new
collective
agreement.

38.—(1) Either party to a collective agreement made before or after the commencement of this Act may within the period of two months before the agreement ceases to operate give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement:

Idem.

(2) A notice given by a party to a collective agreement in accordance with provisions in the agreement relating to its termination or renewal shall be deemed to comply with subsection 1.

Notice of
desire for
new
collective
agreement
for
employers'
organization.

(3) Where notice is given by or to an employers' organization that has a collective agreement with a trade union, it shall be deemed to be a notice given by or to each member of the employers' organization who is bound by the agreement. *New.*

Application
of ss. 11
to 29.

39. Sections 11 to 29 shall apply to the bargaining that follows the giving of a notice under section 38. *New.*

Termination of Bargaining Rights.

Application
for new
certification,
one-year
agreements;

40.—(1) Where a collective agreement is for a term of one year a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the agreement has been in operation for ten months.

agreements
from year
to year;

(2) Where a collective agreement is for a term of one year and it provides that it will continue to operate for a further term of one year or for successive terms of one year if either party fails to give to the other party notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement and no such notice is given, a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar two-month period at the end of each year that the agreement continues to operate, as the case may be.

agreements
for more
than one
year;

(3) Where a collective agreement is for a term of more than one year a trade union may apply for certification as

bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar two-month period at the end of each year that the agreement continues to operate or not more than two months before the agreement ceases to operate, as the case may be.

(4) If the trade union that applies for certification under subsection 1, 2 or 3 is certified as bargaining agent for any of the employees in the bargaining unit defined in the collective agreement, the trade union that was or is a party to the agreement, as the case may be, shall forthwith cease to represent the employees in the bargaining unit determined in the certificate and the agreement shall cease to operate in so far as it affects such employees. *New.* effect of certification.

41.—(1) If a trade union does not make a collective agreement with the employer within one year after its certification any of the employees in the bargaining unit determined in the certificate may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit. Application for termination, no agreement;

(2) Any of the employees in the bargaining unit defined in a collective agreement may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit, agreement.

(a) in the case of an agreement for a term of one year, only after the agreement has been in operation for ten months;

(b) in the case of an agreement for a term of one year that provides that it will continue to operate for a further term of one year or for successive terms of one year if either party fails to give to the other party notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement and no such notice is given, only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar two-month period at the end of each year that the agreement continues to operate, as the case may be;

(c) in the case of an agreement for a term of more than one year only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar

two-month period at the end of each year that the agreement continues to operate or not more than two months before the agreement ceases to operate, as the case may be.

Representation vote.

(3) Upon an application under subsection 1 or 2 the Board shall ascertain whether a majority of the employees in the bargaining unit have signified in writing that they no longer wish to be represented by the trade union and, if a majority so signify, the Board shall, by a representation vote, satisfy itself that a majority of the employees desire that the right of the trade union to bargain on their behalf be terminated.

Declaration of termination.

(4) If on the taking of the representation vote more than fifty per centum of the ballots of all those eligible to vote are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

Absent employees.

(5) In determining the number of eligible voters for the purpose of subsection 4, employees who are absent from work during voting hours and who do not cast their ballots shall not be counted as eligible.

Declaration to terminate agreement.

(6) Upon the Board making a declaration under subsection 4, any collective agreement in operation between the trade union and the employer that is binding upon the employees in the bargaining unit shall cease to operate forthwith. *New.*

Where certificate obtained by fraud.

42. If a trade union has obtained a certificate by fraud, the Board may at any time declare that the trade union no longer represents the employees in the bargaining unit and, upon the making of such a declaration, the trade union shall not be entitled to claim any rights or privileges flowing from certification and, if it has made a collective agreement binding upon the employees in the bargaining unit, such agreement shall be null and void. *New.*

Termination, for failure to give notice;

43.—(1) If a trade union fails to give the employer notice under section 10 within sixty days following certification or if it fails to give notice under section 38 and no such notice is given by the employer, the Board may, upon the application of the employer or of any of the employees in the bargaining unit, and with or without a representation vote, declare that the trade union no longer represents the employees in the bargaining unit.

for failure to bargain.

(2) Where a trade union that has given notice under section 10 or section 38 or that has received notice under section 38 fails to commence to bargain within sixty days from the

giving of the notice, or after having commenced to bargain but before the Board has granted a request for conciliation services, allows a period of sixty days to elapse during which it has not sought to bargain, the Board may, upon the application of the employer or of any of the employees in the bargaining unit and with or without a representation vote, declare that the trade union no longer represents the employees in the bargaining unit. *New.*

44.—(1) Where notice is given under section 38 and the Board grants a request for conciliation services, no application for certification of a bargaining agent of any of the employees in the bargaining unit as defined in the collective agreement shall be made after the date when the agreement ceases to operate or the date when the request is granted, whichever is later, unless following the granting of the request a collective agreement has been made between the parties and it has operated for at least ten months. Application for certification after conciliation services granted.

(2) Where notice is given under section 38 and the Board grants a request for conciliation services, no application for a declaration that the trade union that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit as defined in the agreement shall be made after the date when the agreement ceases to operate or the date when the request is granted, whichever is later, unless following the granting of the request a collective agreement has been made between the parties and it has operated for at least ten months, or if no such agreement has been made, unless at least twelve months have elapsed from the date of the granting of the request. *New.* Application for termination after conciliation services granted.

Unfair Practices.

45. No employer or employers' organization and no person acting on behalf of an employer or an employers' organization shall participate in or interfere with the formation or administration of a trade union or contribute financial or other support to a trade union. *New.* Employers not to interfere with unions.

46. No trade union and no person acting on behalf of a trade union shall participate in or interfere with the formation or administration of an employers' organization or contribute financial or other support to an employers' organization. *New.* Unions not to interfere with employers' organizations.

47. No employer, employers' organization or person acting on behalf of an employer or an employers' organization, Employers not to interfere with employees' rights.

- (a) shall refuse to employ or to continue to employ any person, or discriminate against any person in regard to employment or any term or condition of employ-

ment because the person is a member of a trade union or is exercising any other rights under this Act;

- (b) shall impose any condition in a contract of employment or propose the imposition of any condition in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of a trade union or exercising any other rights under this Act; or
- (c) shall seek by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or other penalty, or by any other means to compel an employee to become or refrain from becoming or to continue to be or to cease to be a member or officer or representative of a trade union or to exercise any other rights under this Act. *New.*

Intimidation
and coercion.

48.—(1) No person shall seek by intimidation or coercion to compel any person to become or refrain from becoming or to continue to be or to cease to be a member of a trade union or of an employers' organization.

Persuasion
during
working
hours.

(2) Nothing in this Act shall be deemed to authorize any person to attempt at the place at which an employee works to persuade him during his working hours to become or refrain from becoming or continuing to be a member of a trade union. *New.*

Strike or
lock-out,
agreement;

49.—(1) Where a collective agreement is in operation no employee bound by the agreement shall strike and no employer bound by the agreement shall lock out such an employee.

no
agreement.

(2) Where no collective agreement is in operation no employee shall strike and no employer shall lock out an employee until a trade union has become entitled to give and has given notice under section 10 or has given notice under section 38 on behalf of the employee to his employer, or in the case of a notice under section 38, has received such notice, and conciliation services have been granted and seven days have elapsed after the conciliation board has reported to the Minister. *New.*

Unlawful
strikes.

50. No trade union shall call or authorize, and no officer, official or agent of a trade union shall counsel, procure, support or encourage an unlawful strike. *New.*

Unlawful
lock-outs.

51. No employer or employers' organization shall call or authorize, and no officer, official or agent of an employer or employers' organization shall counsel, procure, support or encourage an unlawful lock-out. *New.*

52. Nothing in this Act shall be deemed to prohibit any ^{Saving.} suspension or discontinuance for cause of an employer's operations or the quitting of employment for cause if the suspension, discontinuance or quitting does not constitute a lock-out or strike. *New.*

53. Where notice has been given under section 10 or section 38 and no collective agreement is in operation, no employer ^{Working conditions may not be altered.} shall, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer, the trade union, or the employees until conciliation services have been granted and seven days have elapsed after the conciliation board has reported to the Minister or until the right of the trade union to represent the employees has been terminated, whichever occurs first. *New.*

Information.

54. Each party to a collective agreement shall, forthwith ^{Collective agreements to be filed.} after it is made, file one copy with the Board. *New.*

55. The Board may direct any trade union or employers' ^{Officers, constitution, etc.} organization to file with the Board within the time prescribed in the direction a copy of its constitution and by-laws and a statutory declaration of its president or secretary setting forth the names and addresses of its officers. *New.*

56. Every publication that deals with the relations be- ^{Publications.} tween employers or employers' organizations and trade unions or employees shall bear the names and addresses of its printer and its publisher. *New.*

Enforcement.

57.—(1) The Minister may appoint a conciliation officer ^{Inquiry by conciliation officer;} to inquire into any complaint that any person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act.

(2) The conciliation officer shall forthwith after he is ^{duties:} appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of.

(3) The conciliation officer shall report the results of his ^{report.} inquiry and endeavours to the Minister. *New.*

58.—(1) If the conciliation officer is unable to effect a ^{Commissioners, appointment;} settlement of the matter complained of, the Minister may appoint a commissioner and shall forthwith communicate the

name of the commissioner to the parties and thereupon it shall be presumed conclusively that the commissioner was appointed in accordance with this Act, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commissioner, or to review, prohibit or restrain any of his proceedings.

powers;

(2) The commissioner shall have all the powers of a conciliation board under section 26.

duties;

(3) The commissioner shall give the parties full opportunity to present evidence and to make submissions and if he finds that the complaint is supported by the evidence he shall recommend to the Minister the course that ought to be taken with respect to the complaint, which may include reinstatement with or without compensation for loss of earnings and other benefits.

clarification
etc., of
recom-
mendations;

(4) After a commissioner has made his recommendations, the Minister may direct him to clarify or amplify any of his recommendations and they shall not be deemed to have been received by the Minister until they have been so clarified or amplified.

Minister's
order;

(5) The Minister shall issue whatever order he deems necessary to carry the recommendations of the commissioner into effect and the order shall be final and shall be complied with in accordance with its terms.

remunera-
tion.

(6) A commissioner shall be remunerated for his services at the same rate as the chairman of a conciliation board. *New.*

Declaration
of unlawful
strikes.

59. Where a trade union calls or authorizes a strike which the employer or employers' organization concerned alleges is unlawful, the employer or employers' organization may apply to the Board for a declaration that the strike is unlawful and the Board may make such a declaration. *New.*

Declaration
of unlawful
lock-outs.

60. Where an employer or employers' organization calls or authorizes a lock-out which any of the employees or the trade union concerned alleges is unlawful, any of the employees or the trade union may apply to the Board for a declaration that the lock-out is unlawful and the Board may make such a declaration. *New.*

Offences and
penalties.

61.—(1) Every person, trade union or employers' organization who fails to comply with any provision of this Act or of any decision, order, direction, declaration or ruling made under this Act is guilty of an offence and on summary conviction is liable,

(a) if an individual, to a penalty of not more than \$500;
or

(b) if a corporation, trade union or employers' organization, to a penalty of not more than \$5,000.

(2) Each day that any person, trade union or employers' organization fails to comply with any provision of this Act or of any decision, order, direction, declaration or ruling made under this Act shall be deemed to constitute a separate offence. Continued offences.

(3) Every penalty recovered for an offence under this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. *New.* Disposition of penalties.

62. An information or complaint in respect of any contravention of this Act may be for one or more offences and no information, complaint, warrant, conviction or other proceedings in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. *New.* Information may be in respect of one or more offences.

63. If a corporation, trade union or employers' organization is guilty of an offence under this Act, every officer, official or agent thereof who assented to the commission of the offence shall be deemed to be a party to and guilty of the offence. *New.* Parties.

64. A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the union or organization shall be deemed to be an act or thing done or omitted by the union or organization. *New.* Style of prosecutions.

65. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Board. *New.* Consent.

Administration.

66.—(1) The Ontario Labour Relations Board is continued. *New.* Ontario Labour Relations Board continued;

(2) The Board shall consist of a chairman and two or four other members who shall be equally representative of employers and employees. 1948, c. 51, s. 2 (1), *amended.* composition;

appoint-
ments;

(3) The chairman and other members of the Board shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. 1948, c. 51, s. 3 (1).

vice-
chairman;

(4) The Lieutenant-Governor in Council may appoint a vice-chairman who shall act as chairman and as a member of the Board only,

(a) at such times or in such matters as the chairman may direct; and

(b) at such times as the chairman is unable to act.
1948, c. 51, s. 3 (2), *amended*.

oath of
office;

(5) Each member of the Board shall, before entering upon his duties, take and subscribe before the Clerk of the Executive Council and file in his office an oath of office in the following form:

I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (*or chairman, or vice-chairman*) of the Ontario Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the Board. So help me God.

1948, c. 51, s. 3 (3).

office;

(6) The office of the Board shall be in Toronto but the Board may sit at such other places as it deems expedient.
1948, c. 51, s. 3 (4).

quorum;

(7) A majority of the members of the Board shall constitute a quorum. 1948, c. 51, s. 3 (5).

decisions;

(8) The decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or vice-chairman, as the case may be, shall have a casting vote.
1948, c. 51, s. 3 (6), *amended*.

seal;

(9) The Board shall have an official seal. *New*.

procedure;

(10) The Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Board may, subject to the approval of the Lieutenant-Governor in Council, make rules governing its practice and procedure and prescribing such forms as may be deemed advisable. 1948, c. 51, s. 3 (9), *amended*.

registrar,
etc.;

(11) The Lieutenant-Governor in Council may appoint a registrar, such other officers and such clerks and servants as

may be required for the purposes of the Board and they shall exercise such powers and perform such duties as may be conferred or imposed upon them by the Board. 1948, c. 51, s. 6, *amended*.

(12) The chairman, the vice-chairman, if any, the other ^{remunera-}members of the Board and its registrar and other officers shall ^{tion.} be paid such remuneration as may be fixed by the Lieutenant-Governor in Council. 1948, c. 51, s. 10, *part, amended*.

67.—(1) The Board shall exercise such powers and per- ^{Powers and}form such duties as may be conferred or imposed upon it by ^{duties of} or under this Act. 1948, c. 51, s. 2 (2). ^{Board,} ^{general;}

(2) Without limiting the generality of subsection 1 the ^{specific.}Board shall have power,

- (a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath, and to produce such documents and things as the Board deems requisite to the full investigation and consideration of matters within its jurisdiction in the same manner as a court of record in civil cases;
- (b) to administer oaths;
- (c) to accept such oral or written evidence as it in its discretion may deem proper, whether admissible in a court of law or not;
- (d) to require employers to post and to keep posted upon their premises in a conspicuous place or places where they are most likely to come to the attention of all employees concerned, any notices that the Board deems necessary to bring to the attention of such employees in connection with any proceedings before the Board;
- (e) to enter any premises where work is being or has been done by the employees or in which the employer carries on business, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter;
- (f) to enter upon the premises of employers and conduct representation votes during working hours and give such directions in connection with the vote as it may deem necessary;

- (g) to authorize any person to do anything that the Board may do under clauses *a* to *f* and to report to the Board thereon;
- (h) to bar an unsuccessful applicant for certification or for a declaration that a trade union no longer represents the employees from filing a new application for any period that the Board may specify not exceeding ten months. 1948, c. 51, s. 3 (7, 8), *amended*.

Jurisdiction.

68.—(1) The Board shall have exclusive jurisdiction to exercise the powers conferred upon it by or under this Act and without limiting the generality of the foregoing, if any question arises in any proceeding,

- (a) as to whether a person is an employer or an employee;
- (b) as to whether an organization is a trade union or an employers' organization;
- (c) as to whether a collective agreement has been made or as to whether it is in operation or as to who the parties are or who are bound by it or on whose behalf it was made;
- (d) as to whether a group of employees constitute a bargaining unit;
- (e) as to whether the parties have bargained in good faith and made every reasonable effort to make a collective agreement;
- (f) as to whether a trade union represents the employees in a bargaining unit; or
- (g) as to whether a person is a member of a trade union,

the decision of the Board thereon shall be final and conclusive for all purposes, but nevertheless the Board may at any time if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling.

Idem.

(2) If in the course of bargaining for a collective agreement or if during the period of operation of a collective agreement, any question arises as to whether a person is an employee, the question may be referred to the Board and the decision of the Board thereon shall be final and conclusive for all purposes. 1948, c. 51, s. 4, *amended*.

69. No decision, order, direction, declaration or ruling of the Board shall be questioned or reviewed in any court, and no order shall be made or process entered, or proceedings taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto, or otherwise, to question, review, prohibit or restrain the Board or any of its proceedings. 1948, c. 51, s. 5.

Board's orders not subject to review.

70. No member of the Board, nor its registrar, nor any of its other officers, nor any of its clerks or servants shall be required to give testimony in any civil suit respecting information obtained in the discharge of their duties under this Act. *New.*

Protection from being called as witness.

71. Any document purporting to be or to contain a copy of a decision, order, direction, declaration or ruling of the Board and purporting to be signed by a member of the Board or by its registrar shall be accepted by any court as evidence of such decision, order, direction, declaration or ruling. *New.*

Documentary evidence.

General.

72.—(1) The records of a trade union relating to membership or any records that may disclose whether any person is or is not a member of a trade union or does or does not desire to be represented by a trade union produced in any proceeding before the Board shall be for the exclusive use of the Board and its officers and shall not, save with the consent of the Board, be disclosed, and no person shall, save with the consent of the Board, be compelled to disclose whether any person is or is not a member of a trade union or does or does not desire to be represented by a trade union.

Secrecy as to union membership.

(2) No information or material furnished to or received by a conciliation officer under this Act and no report of a conciliation officer shall be disclosed except to the Minister, the Deputy Minister of Labour or the chief conciliation officer of the Department of Labour, and no conciliation officer shall be a competent or compellable witness in any proceeding before any court or other tribunal respecting any such information, material or report. *New.*

Secrecy of information given conciliation officers.

73. Where an appointment, order or direction is required to be made under this Act by the Minister, he may authorize the Deputy Minister of Labour to make such appointment, order or direction, and any document purporting to be or to contain a copy of any such appointment, order or direction purporting to be signed by the Minister or by the Deputy Minister shall be accepted by any court as evidence of such appointment, order or direction. *New.*

Delegation of Minister's powers to Deputy Minister.

Mailed
notices.

74. For the purposes of this Act and of any proceeding taken under it, any notice or communication sent through His Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail. *New.*

Defects in
form;
technical
irregularities.

75. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity nor shall it be quashed or set aside if no substantial wrong or miscarriage of justice has occurred. *New.*

Administra-
tion cost.

76. The expenses incurred in the administration of this Act shall be paid out of such moneys as may be appropriated by the Legislature for the purpose. 1948, c. 51, s. 10, *part, amended.*

Regulations.

77. The Lieutenant-Governor in Council may make regulations,

- (a) to provide for and regulate the engagement by conciliation boards of experts, investigators and other assistants;
- (b) to prescribe procedures regulating the payment of expenses of conciliation boards;
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1948, c. 51, s. 7, *amended.*

1948, c. 51;
O. Reg.
279/48;
O. Reg.
280/48,
repealed.

78. *The Labour Relations Act, 1948* and the regulations made thereunder are repealed, but every proceeding pending before the Board when this Act comes into force shall be carried to a conclusion under the law in force when such proceeding was commenced.

Effect of
certification
under
previous
law.

79. Every trade union that is certified as the bargaining agent for a unit of employees when this Act comes into force shall be deemed to have been certified under this Act.

Present
Board, etc.
continued.

80. The chairman, the vice-chairman, if any, and the other members of the Board and its registrar and other officers in office when this Act comes into force shall continue in office during pleasure.

Municipali-
ties, local
boards, etc.
Rev. Stat.,
c. 59.

81. Any municipality as defined in *The Department of Municipal Affairs Act* may declare that this Act shall not apply to it in its relations with its employees or any of them.

Commence-
ment of Act.

82. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

83. This Act may be cited as *The Labour Relations Act, 1950.*

The Labour Relations Act, 1950.

1st Reading

February 28th, 1950

2nd Reading

3rd Reading

MR. DALEY

*(Reprinted for consideration by the
Committee of the Whole House.)*

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Labour Relations Act, 1950.

Mr. DALEY

BILL

The Labour Relations Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation.

- (a) "bargaining unit" means a unit of employees appropriate for collective bargaining, whether it is an employer unit or a plant unit or any subdivision of either of them;
- (b) "Board" means Ontario Labour Relations Board;
- (c) "collective agreement" means an agreement in writing between an employer or an employers' organization, on the one hand, and a trade union representing employees of the employer or employees of members of the employers' organization, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employers' organization, the trade union or the employees;
- (d) "conciliation services" means the services of a conciliation officer and, if necessary, a conciliation board;
- (e) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- (f) "lock-out" includes the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of his employees, with a view to compel or induce his employees, or to aid another employer to compel or induce his employees, to agree to provisions or changes in provisions respecting terms or conditions

of employment or the rights, privileges or duties of the employer, an employers' organization, the trade union, or the employees;

(g) "Minister" means Minister of Labour;

(h) "strike" includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output;

(i) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

Idem.

(2) For the purposes of this Act no person shall be deemed to have ceased to be an employee by reason only of his ceasing to work for his employer as the result of a lock-out or strike or by reason only of his being dismissed by his employer contrary to this Act or to a collective agreement.

Idem.

(3) For the purposes of this Act, no person shall be deemed to be an employee,

(a) who is a member of the architectural, dental, engineering, legal or medical profession entitled to practise in Ontario and employed in a professional capacity; or

(b) who is a manager or superintendent or who exercises managerial functions or is employed in a confidential capacity in matters relating to labour relations.
New.

Application of Act.

Where Act
not to
apply.

2. This Act does not apply,

(a) to any domestic employed in a private home;

(b) to any person employed in agriculture, horticulture, hunting or trapping;

1949, c. 72.

(c) to any member of a police force within the meaning of *The Police Act, 1949*;

1949, c. 33.

(d) to any full-time fire fighter within the meaning of *The Fire Departments Act, 1949*; or

(e) to any teacher as defined in *The Teaching Profession* 1944, c. 64.
Act, 1944. 1948, c. 51, s. 9, amended.

Freedoms.

3. Every person is free to join a trade union of his own choice and to participate in its lawful activities. *New.* Membership in trade union.

4. Every person is free to join an employers' organization of his own choice and to participate in its lawful activities. *New.* Membership in employers' organization.

Establishment of Bargaining Rights by Certification.

5. A trade union may apply to the Board for certification as bargaining agent of the employees of an employer in a unit which it claims to be appropriate for collective bargaining. *New.* Application for certification.

6.—(1) Upon an application for certification the Board shall determine the unit of employees that is appropriate for collective bargaining, but which in every case shall consist of more than one employee. Board to determine appropriateness of units.

(2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft. *New.* Craft units.

7.—(1) Upon an application for certification the Board shall ascertain, by an examination of the records of the trade union and the records of the employer, the number of employees in the bargaining unit who are members of the trade union. Determination of number of union members in bargaining unit.

(2) If on an examination under subsection 1 the Board is satisfied that not less than forty-five per centum and not more than fifty-five per centum of the employees in the bargaining unit are members of the trade union, the Board shall, and if the Board is satisfied that more than fifty-five per centum of such employees are members of the trade union, the Board may direct that a representation vote be taken. Representation vote.

Certification
after vote.

(3) If on the taking of a representation vote more than fifty per centum of the ballots of all those eligible to vote are cast in favour of the trade union, and in other cases if the Board is satisfied that more than fifty-five per centum of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit.

Absent
employees.

(4) In determining the number of eligible voters for the purpose of subsection 3, employees who are absent from work during voting hours and who do not cast their ballots shall not be counted as eligible.

Certification
without vote.

(5) If on an examination under subsection 1 the Board is satisfied that more than fifty per centum of the employees in the bargaining unit are members of the trade union and that the true wishes of the employees are not likely to be disclosed by a representation vote, the Board may certify the trade union as bargaining agent without taking a representation vote. *New.*

Security
guards.

8. The Board shall not include in a bargaining unit with other employees any person employed as a guard to protect the property of his employer and no trade union shall be certified as bargaining agent for a bargaining unit of such guards if it admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than such guards. *New.*

What
unions not
to be
certified.

9. The Board shall not certify any trade union if any employer or any employers' organization has participated in its formation or administration or has contributed financial or other support to it. *New.*

Negotiation of Collective Agreements.

Notice of
desire to
bargain.

10. Following certification, the trade union shall give the employer written notice of its desire to bargain with a view to making a collective agreement. *New.*

Obligation
to bargain.

11. The parties shall meet within twenty days from the giving of the notice or within such further period as the parties may agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement. *New.*

Composition
of
bargaining
committee.

12. During bargaining a trade union shall be represented by a bargaining committee consisting of employees of the employer who are in the bargaining unit, or in the case of bargaining between a trade union and an employers' organization, consisting of employees of one or more members of such organization who are in the bargaining unit, and in either case a bargaining committee may include one or more officers or other representatives of the trade union. *New.*

13.—(1) Where fifty days or more have elapsed from the giving of the notice and it appears that a collective agreement will not be made within a reasonable time, either party may file with the Board a request that conciliation services be made available to the parties, whereupon the Board shall grant the request, but before doing so it may postpone consideration of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime. Requests for conciliation services.

(2) Upon the joint request of the parties, or upon the request of either of them, the Board, if it is satisfied that no progress in bargaining is being made, may grant the request for conciliation services notwithstanding that the fifty-day period mentioned in subsection 1 has not elapsed. *New.* Idem.

14.—(1) Where the Board grants a request for conciliation services the Minister shall forthwith appoint a conciliation officer. Conciliation officer, appointment.

(2) The conciliation officer shall confer with the parties and endeavour to effect a collective agreement and he shall, within fourteen days from his appointment, report the result of his endeavour to the Minister. duties.

(3) The period mentioned in subsection 2 may be extended by agreement of the parties or by the Minister upon the advice of the conciliation officer that a collective agreement may be made within a reasonable time if such period is extended. Extension of 14-day period.
New.

15. If the conciliation officer is unable to effect a collective agreement within the time allowed under section 14, the Minister shall forthwith by notice in writing request each of the parties, within seven days of the receipt of the notice, to recommend one person to be a member of a conciliation board, and the Minister shall, upon the receipt of the recommendations or upon the expiration of the seven-day period appoint two members who, in his opinion, represent the points of view of the respective parties, and the two members so appointed may, within five days after they are appointed, jointly recommend a third person to be a member and chairman of the board, and the Minister shall, upon the receipt of the recommendation or upon the expiration of the five-day period, appoint a third person to be a member and chairman of the board. *New.* Conciliation board, appointment of members.

16. No person shall act as a member of a conciliation board who has any pecuniary interest in the matters coming before it or who is acting, or has, within a period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties. *New.* Certain persons prohibited as members.

Notice to
parties of
appointment.

17.—(1) When the members of the conciliation board have been appointed, the Minister shall forthwith give notice of their names to the parties and thereupon the board shall be deemed to have been established.

Presumption
of establish-
ment.

(2) When notice under subsection 1 has been given it shall be presumed conclusively that the conciliation board has been established in accordance with this Act, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto, or otherwise, to question the establishment of the conciliation board or the appointment of any of its members, or to review, prohibit or restrain any of its proceedings. *New.*

Vacancies.

18. If a person ceases to be a member of a conciliation board by reason of his resignation or death before it has completed its work, the Minister shall appoint a member in his place after consulting the party whose point of view was represented by such person. *New.*

Terms of
reference.

19. As soon as a conciliation board has been established, the Minister shall deliver to its chairman a statement of the matters referred to it and the Minister may, either before or after its report is made, amend or add to such statement. *New.*

Oath of
office.

20. Each member of a conciliation board shall, before entering upon his duties, take and subscribe before a person authorized to administer oaths, and file with the Minister, an oath in the following form:

I do solemnly swear that I am not disqualified under section 16 of *The Labour Relations Act, 1950*, from acting as a member of a conciliation board and that I will faithfully, truly and impartially, to the best of my knowledge, skill and ability, execute and perform the office of member (or chairman) of the conciliation board established to.....

.....
and that I will not, except as I may be legally authorized, disclose to any person any of the evidence or other matter brought before the board. So help me God.

New.

Duties.

21. As soon as a conciliation board is established it shall endeavour to effect agreement between the parties on the matters referred to it. *New.*

Procedure.

22.—(1) Subject to this Act, a conciliation board shall determine its own procedure.

Presentation
of evidence.

(2) A conciliation board shall give full opportunity to the parties to present their evidence and to make their submissions. *New.*

23. The chairman of a conciliation board shall, after con- ^{Sittings.}
sultation with the other members of the board, fix the time
and place of its sittings, and he shall notify the parties and
the other members of the board of the time and place so fixed.
New.

24. The chairman and one other member of a conciliation ^{Quorum.}
board shall constitute a quorum but, in the absence of any
member, the other members shall not proceed unless the
absent member has been given reasonable notice of the sitting.
New.

25. If the members of a conciliation board are unable to ^{Casting}
agree among themselves on matters of procedure or as to the ^{vote.}
admissibility of evidence, the decision of the chairman shall
govern. *New.*

26. A conciliation board shall have power, ^{Powers.}

- (a) to summon and enforce the attendance of witnesses
and compel them to give oral or written evidence on
oath, and to produce such documents and things as
the board deems requisite to the full investigation
and consideration of the matters referred to it in the
same manner as a court of record in civil cases;
- (b) to administer oaths;
- (c) to accept such oral or written evidence as it in its
discretion may deem proper, whether admissible in
a court of law or not;
- (d) to enter any premises where work is being done or
has been done by the employees or in which the
employer carries on business or where anything is
taking place or has taken place concerning any of
the matters referred to the board, and inspect and
view any work, material, machinery, appliance or
article therein, and interrogate any person respecting
any such thing or any of such matters;
- (e) to authorize any person to do anything that the
board may do under clause *d* and to report to the
board thereon. *New.*

27.—(1) A conciliation board shall, within fourteen days ^{When report}
from the appointment of its chairman, report its findings and ^{to be made.}
recommendations to the Minister and the report of the
majority shall be the report of the board.

- (2) The period mentioned in subsection 1 may be extended ^{Extension}
^{of 14-day}
^{period.}

by agreement of the parties or by the Minister upon the advice of the conciliation board that agreement may be effected between the parties on the matters referred to the board if such period is extended.

Clarification
etc., of
report.

(3) After a conciliation board has made its report, the Minister may direct it to clarify or amplify any part of its report, and the report shall not be deemed to have been received by the Minister until it has been so clarified or amplified.

Copies of
report to
parties.

(4) On receipt of the report of the conciliation board the Minister shall forthwith cause a copy thereof to be sent to each of the parties. *New.*

Remunera-
tion.

28. The members of a conciliation board shall be remunerated for their services as follows:

1. To a member, other than the chairman, an allowance of \$5 for considering the recommendation of a person to be the third member of the board.
2. To a member, other than the chairman, an allowance of \$20 and to the chairman, an allowance of \$25, for each day he is present when the board sits and for each day necessarily spent in travelling from his place of residence to its meetings and returning therefrom, and for each day, not exceeding two, he is engaged in preparing the report of the board.
3. To each member, his actual, necessary and reasonable travelling and living expenses for each day that he is absent from his place of residence in connection with the work of the board. *New.*

Failure
to report.

29. Failure of a conciliation officer or conciliation board to report to the Minister within the time provided in this Act shall not invalidate the proceedings of the conciliation officer or conciliation board or terminate the authority of the conciliation board under this Act. *New.*

Contents of Collective Agreements.

Recognition
provision.

30.—(1) Every collective agreement made after the commencement of this Act shall provide that the trade union that is a party thereto is recognized as the exclusive bargaining agent of the employees in the bargaining unit defined therein.

Addition
by Board.

(2) If any collective agreement made either before or after the commencement of this Act does not contain such a

provision as is mentioned in subsection 1 it may be added to the agreement at any time by the Board upon the application of either party. *New.*

31.—(1) Every collective agreement made after the commencement of this Act shall provide that there will be no strikes or lock-outs so long as the agreement continues to operate. Provision against strikes and lock-outs.

(2) If any collective agreement made either before or after the commencement of this Act does not contain such a provision as is mentioned in subsection 1, it may be added to the agreement at any time by the Board upon the application of either party. *New.* Addition by Board.

32.—(1) Every collective agreement shall provide for the final and binding settlement by arbitration, without stoppage of work, of all differences between the parties arising from the interpretation, application, administration or alleged violation of the agreement, including any question as to whether a matter is arbitrable. Arbitration provision.

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision: Idem.

Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, including any question as to whether a matter is arbitrable, or where an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointee to an arbitration board. The recipient of the notice shall within five days advise the other party of the name of its appointee to the arbitration board. The two appointees so selected shall, within five days of the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chairman, within the time limited, the appointment shall be made by the Minister of Labour for Ontario upon the request of either party. The arbitration board shall hear and determine the difference or allegation and shall issue a decision and the decision shall be final and binding upon the parties and upon any employee affected by it. The decision of a majority shall be the decision of the arbitration board, but if there is no majority the decision of the chairman shall govern.

(3) If, in the opinion of the Board, any part of the arbitration provision including the method of appointment of the arbitrator or arbitration board is inadequate, or if the provision set out in subsection 2 is alleged by either party to be unsuitable, the Board may, on the request of either party, modify any such provision so long as it conforms with subsection 1, but until so modified the arbitration provision in the collective agreement or in subsection 2, as the case may be, shall apply. Where arbitration provision inadequate.

Effect of
arbitrator's
decision.

(4) The decision of an arbitrator or of an arbitration board shall be binding upon the parties and in the case of a collective agreement between a trade union and an employers' organization upon the employers covered by the agreement who are affected by the decision and upon the employees covered by the agreement who are affected by the decision, and such parties, employers and employees shall do or abstain from doing everything required of them by the decision.

Rev. Stat.,
c. 109 not
to apply.

(5) *The Arbitration Act* shall not apply to arbitrations under collective agreements. *New.*

Permissive
provisions.

33.—(1) Notwithstanding anything in this Act, the parties to a collective agreement may include in it provisions,

- (a) for requiring, as a condition of employment, membership in the trade union that is a party to the agreement or granting a preference of employment to members of such trade union, or requiring the payment of dues or contributions to such trade union;
- (b) for permitting an employee who represents the trade union that is a party to the agreement to attend to the business of the trade union during working hours without deduction of the time so occupied in the computation of the time worked for the employer and without deduction of wages in respect of the time so occupied;
- (c) for permitting the trade union that is a party to the agreement to use the employers' premises for the purposes of the trade union without payment therefor.

Membership
in two
unions.

(2) No employer shall discharge an employee who is expelled or suspended from membership in the trade union mentioned in clause *a* of subsection 1 solely because he is a member of another trade union. *New.*

Operation of Collective Agreements.

Certain
agreements
not to be
treated as
collective
agreements.

34. An agreement between an employer or an employers' organization and a trade union shall be deemed not to be a collective agreement for the purposes of this Act,

- (a) if any employer or any employers' organization participated in the formation or administration of the trade union or if any employer or any employers' organization contributed financial or other support to the trade union; or

- (b) if it discriminates against any person because of his race or creed. *New.*

35. A collective agreement made before or after the commencement of this Act shall, subject to and for the purposes of this Act, be binding upon the employer and upon the trade union that is a party to the agreement whether or not the trade union is certified and upon the employees in the bargaining unit defined in the agreement. *New.*

Binding effect of collective agreements on employers, trade unions, and employees.

36.—(1) A collective agreement made after the commencement of this Act between an employers' organization and a trade union shall, subject to and for the purposes of this Act, be binding upon each person who was a member of the employers' organization at the time bargaining commenced and on whose behalf the employers' organization bargained with the trade union as if it was made between each of such persons and the trade union, and if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union.

Binding effect of collective agreements on members of employers' organizations.

(2) When an employers' organization commences to bargain with a trade union, it shall deliver to the trade union a list of the names of the employers on whose behalf it is bargaining and, in default of so doing, it shall be deemed to bargain for all members of the employers' organization for whose employees the trade union is entitled to bargain and to make a collective agreement at that time. *New.*

Duty to disclose.

37.—(1) If a collective agreement made before or after the commencement of this Act does not provide for its term of operation or provides for its operation for an unspecified term or for a term of less than one year, it shall be deemed to provide for its operation for a term of one year from the date that it commenced to operate.

Minimum term of collective agreement

(2) Notwithstanding subsection 1, the parties may, before or after a collective agreement has ceased to operate, agree to continue its operation or any of its provisions for any period less than one year while they are bargaining for the renewal, with or without modifications of it, or for a new agreement, but such continued operation shall not bar an application for certification or for a declaration that the trade union no longer represents the employees in the bargaining unit.

Extension of term of collective agreement

(3) A collective agreement shall not be terminated by the parties before it ceases to operate in accordance with its provisions or this Act without the consent of the Board on the joint application of the parties.

Early termination of collective agreements.

Revision
by mutual
consent.

(4) Nothing in this section shall be deemed to prevent the revision by mutual consent of the parties at any time of any provision of a collective agreement other than a provision relating to its term of operation. *New.*

Notice of
desire to
bargain
for new
collective
agreement.

38.—(1) Either party to a collective agreement made before or after the commencement of this Act may within the period of two months before the agreement ceases to operate give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement.

Idem.

(2) A notice given by a party to a collective agreement in accordance with provisions in the agreement relating to its termination or renewal shall be deemed to comply with subsection 1.

Notice of
desire for
new
collective
agreement
for
employers'
organization.

(3) Where notice is given by or to an employers' organization that has a collective agreement with a trade union, it shall be deemed to be a notice given by or to each member of the employers' organization who is bound by the agreement. *New.*

Application
of ss. 11
to 29.

39. Sections 11 to 29 shall apply to the bargaining that follows the giving of a notice under section 38. *New.*

Termination of Bargaining Rights.

Application
for new
certification,
one-year
agreements;

40.—(1) Where a collective agreement is for a term of one year a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the agreement has been in operation for ten months.

agreements
from year
to year;

(2) Where a collective agreement is for a term of one year and it provides that it will continue to operate for a further term of one year or for successive terms of one year if either party fails to give to the other party notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement and no such notice is given, a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar two-month period at the end of each year that the agreement continues to operate, as the case may be.

agreements
for more
than one
year;

(3) Where a collective agreement is for a term of more than one year a trade union may apply for certification as

bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar two-month period at the end of each year that the agreement continues to operate or not more than two months before the agreement ceases to operate, as the case may be.

(4) If the trade union that applies for certification under subsection 1, 2 or 3 is certified as bargaining agent for any of the employees in the bargaining unit defined in the collective agreement, the trade union that was or is a party to the agreement, as the case may be, shall forthwith cease to represent the employees in the bargaining unit determined in the certificate and the agreement shall cease to operate in so far as it affects such employees. *New.* ^{effect of certification.}

41.—(1) If a trade union does not make a collective agreement with the employer within one year after its certification any of the employees in the bargaining unit determined in the certificate may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit. ^{Application for termination, no agreement;}

(2) Any of the employees in the bargaining unit defined in a collective agreement may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit, ^{agreement.}

(a) in the case of an agreement for a term of one year, only after the agreement has been in operation for ten months;

(b) in the case of an agreement for a term of one year that provides that it will continue to operate for a further term of one year or for successive terms of one year if either party fails to give to the other party notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement and no such notice is given, only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar two-month period at the end of each year that the agreement continues to operate, as the case may be;

(c) in the case of an agreement for a term of more than one year only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar

two-month period at the end of each year that the agreement continues to operate or not more than two months before the agreement ceases to operate, as the case may be.

Representa-
tion vote.

(3) Upon an application under subsection 1 or 2 the Board shall ascertain whether a majority of the employees in the bargaining unit have signified in writing that they no longer wish to be represented by the trade union and, if a majority so signify, the Board shall, by a representation vote, satisfy itself that a majority of the employees desire that the right of the trade union to bargain on their behalf be terminated.

Declaration
of
termination.

(4) If on the taking of the representation vote more than fifty per centum of the ballots of all those eligible to vote are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

Absent
employees.

(5) In determining the number of eligible voters for the purpose of subsection 4, employees who are absent from work during voting hours and who do not cast their ballots shall not be counted as eligible.

Declaration
to terminate
agreement.

(6) Upon the Board making a declaration under subsection 4, any collective agreement in operation between the trade union and the employer that is binding upon the employees in the bargaining unit shall cease to operate forthwith. *New.*

Where
certificate
obtained by
fraud.

42. If a trade union has obtained a certificate by fraud, the Board may at any time declare that the trade union no longer represents the employees in the bargaining unit and, upon the making of such a declaration, the trade union shall not be entitled to claim any rights or privileges flowing from certification and, if it has made a collective agreement binding upon the employees in the bargaining unit, such agreement shall be null and void. *New.*

Termination,
for failure
to give
notice;

43.—(1) If a trade union fails to give the employer notice under section 10 within sixty days following certification or if it fails to give notice under section 38 and no such notice is given by the employer, the Board may, upon the application of the employer or of any of the employees in the bargaining unit, and with or without a representation vote, declare that the trade union no longer represents the employees in the bargaining unit.

for failure
to bargain.

(2) Where a trade union that has given notice under section 10 or section 38 or that has received notice under section 38 fails to commence to bargain within sixty days from the

giving of the notice, or after having commenced to bargain but before the Board has granted a request for conciliation services, allows a period of sixty days to elapse during which it has not sought to bargain, the Board may, upon the application of the employer or of any of the employees in the bargaining unit and with or without a representation vote, declare that the trade union no longer represents the employees in the bargaining unit. *New.*

44.—(1) Where notice is given under section 38 and the Board grants a request for conciliation services, no application for certification of a bargaining agent of any of the employees in the bargaining unit as defined in the collective agreement shall be made after the date when the agreement ceases to operate or the date when the request is granted, whichever is later, unless following the granting of the request a collective agreement has been made between the parties and it has operated for at least ten months. *New.*

Application for certification after conciliation services granted.

(2) Where notice is given under section 38 and the Board grants a request for conciliation services, no application for a declaration that the trade union that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit as defined in the agreement shall be made after the date when the agreement ceases to operate or the date when the request is granted, whichever is later, unless following the granting of the request a collective agreement has been made between the parties and it has operated for at least ten months, or if no such agreement has been made, unless at least twelve months have elapsed from the date of the granting of the request. *New.*

Application for termination after conciliation services granted.

Unfair Practices.

45. No employer or employers' organization and no person acting on behalf of an employer or an employers' organization shall participate in or interfere with the formation or administration of a trade union or contribute financial or other support to a trade union. *New.*

Employers not to interfere with unions.

46. No trade union and no person acting on behalf of a trade union shall participate in or interfere with the formation or administration of an employers' organization or contribute financial or other support to an employers' organization. *New.*

Unions not to interfere with employers' organizations.

47. No employer, employers' organization or person acting on behalf of an employer or an employers' organization,

Employers not to interfere with employees' rights.

- (a) shall refuse to employ or to continue to employ any person, or discriminate against any person in regard to employment or any term or condition of employ-

two-month period at the end of each year that the agreement continues to operate or not more than two months before the agreement ceases to operate, as the case may be.

Representa-
tion vote.

(3) Upon an application under subsection 1 or 2 the Board shall ascertain whether a majority of the employees in the bargaining unit have signified in writing that they no longer wish to be represented by the trade union and, if a majority so signify, the Board shall, by a representation vote, satisfy itself that a majority of the employees desire that the right of the trade union to bargain on their behalf be terminated.

Declaration
of
termination.

(4) If on the taking of the representation vote more than fifty per centum of the ballots of all those eligible to vote are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

Absent
employees.

(5) In determining the number of eligible voters for the purpose of subsection 4, employees who are absent from work during voting hours and who do not cast their ballots shall not be counted as eligible.

Declaration
to terminate
agreement.

(6) Upon the Board making a declaration under subsection 4, any collective agreement in operation between the trade union and the employer that is binding upon the employees in the bargaining unit shall cease to operate forthwith. *New.*

Where
certificate
obtained by
fraud.

42. If a trade union has obtained a certificate by fraud, the Board may at any time declare that the trade union no longer represents the employees in the bargaining unit and, upon the making of such a declaration, the trade union shall not be entitled to claim any rights or privileges flowing from certification and, if it has made a collective agreement binding upon the employees in the bargaining unit, such agreement shall be null and void. *New.*

Termination,
for failure
to give
notice;

43.—(1) If a trade union fails to give the employer notice under section 10 within sixty days following certification or if it fails to give notice under section 38 and no such notice is given by the employer, the Board may, upon the application of the employer or of any of the employees in the bargaining unit, and with or without a representation vote, declare that the trade union no longer represents the employees in the bargaining unit.

for failure
to bargain.

(2) Where a trade union that has given notice under section 10 or section 38 or that has received notice under section 38 fails to commence to bargain within sixty days from the

giving of the notice, or after having commenced to bargain but before the Board has granted a request for conciliation services, allows a period of sixty days to elapse during which it has not sought to bargain, the Board may, upon the application of the employer or of any of the employees in the bargaining unit and with or without a representation vote, declare that the trade union no longer represents the employees in the bargaining unit. *New.*

44.—(1) Where notice is given under section 38 and the Board grants a request for conciliation services, no application for certification of a bargaining agent of any of the employees in the bargaining unit as defined in the collective agreement shall be made after the date when the agreement ceases to operate or the date when the request is granted, whichever is later, unless following the granting of the request a collective agreement has been made between the parties and it has operated for at least ten months. Application for certification after conciliation services granted.

(2) Where notice is given under section 38 and the Board grants a request for conciliation services, no application for a declaration that the trade union that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit as defined in the agreement shall be made after the date when the agreement ceases to operate or the date when the request is granted, whichever is later, unless following the granting of the request a collective agreement has been made between the parties and it has operated for at least ten months, or if no such agreement has been made, unless at least twelve months have elapsed from the date of the granting of the request. *New.* Application for termination after conciliation services granted.

Unfair Practices.

45. No employer or employers' organization and no person acting on behalf of an employer or an employers' organization shall participate in or interfere with the formation or administration of a trade union or contribute financial or other support to a trade union. *New.* Employers not to interfere with unions.

46. No trade union and no person acting on behalf of a trade union shall participate in or interfere with the formation or administration of an employers' organization or contribute financial or other support to an employers' organization. *New.* Unions not to interfere with employers' organizations.

47. No employer, employers' organization or person acting on behalf of an employer or an employers' organization, Employers not to interfere with employees' rights.

- (a) shall refuse to employ or to continue to employ any person, or discriminate against any person in regard to employment or any term or condition of employ-

ment because the person is a member of a trade union or is exercising any other rights under this Act;

(b) shall impose any condition in a contract of employment or propose the imposition of any condition in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of a trade union or exercising any other rights under this Act; or

(c) shall seek by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or other penalty, or by any other means to compel an employee to become or refrain from becoming or to continue to be or to cease to be a member or officer or representative of a trade union or to exercise any other rights under this Act. *New.*

Intimidation
and coercion.

48.—(1) No person shall seek by intimidation or coercion to compel any person to become or refrain from becoming or to continue to be or to cease to be a member of a trade union or of an employers' organization.

Persuasion
during
working
hours.

(2) Nothing in this Act shall be deemed to authorize any person to attempt at the place at which an employee works to persuade him during his working hours to become or refrain from becoming or continuing to be a member of a trade union. *New.*

Strike or
lock-out,
agreement;

49.—(1) Where a collective agreement is in operation no employee bound by the agreement shall strike and no employer bound by the agreement shall lock out such an employee.

no
agreement.

(2) Where no collective agreement is in operation no employee shall strike and no employer shall lock out an employee until a trade union has become entitled to give and has given notice under section 10 or has given notice under section 38 on behalf of the employee to his employer, or in the case of a notice under section 38, has received such notice, and conciliation services have been granted and seven days have elapsed after the conciliation board has reported to the Minister. *New.*

Unlawful
strikes.

50. No trade union shall call or authorize, and no officer, official or agent of a trade union shall counsel, procure, support or encourage an unlawful strike. *New.*

Unlawful
lock-outs.

51. No employer or employers' organization shall call or authorize, and no officer, official or agent of an employer or employers' organization shall counsel, procure, support or encourage an unlawful lock-out. *New.*

52. Nothing in this Act shall be deemed to prohibit any ^{Saving.} suspension or discontinuance for cause of an employer's operations or the quitting of employment for cause if the suspension, discontinuance or quitting does not constitute a lock-out or strike. *New.*

53. Where notice has been given under section 10 or section 38 and no collective agreement is in operation, no employer shall, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer, the trade union, or the employees until conciliation services have been granted and seven days have elapsed after the conciliation board has reported to the Minister or until the right of the trade union to represent the employees has been terminated, whichever occurs first. *New.* ^{Working conditions may not be altered.}

Information.

54. Each party to a collective agreement shall, forthwith after it is made, file one signed copy with the Board. *New.* ^{Collective agreements to be filed.}

55. The Board may direct any trade union or employers' organization to file with the Board within the time prescribed in the direction a copy of its constitution and by-laws and a statutory declaration of its president or secretary setting forth the names and addresses of its officers. *New.* ^{Officers, constitution, etc.}

56. Every publication that deals with the relations between employers or employers' organizations and trade unions or employees shall bear the names and addresses of its printer and its publisher. *New.* ^{Publications.}

Enforcement.

57.—(1) The Minister may appoint a conciliation officer to inquire into any complaint that any person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act. ^{Inquiry by conciliation officer;}

(2) The conciliation officer shall forthwith after he is appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of. ^{duties;}

(3) The conciliation officer shall report the results of his inquiry and endeavours to the Minister. *New.* ^{report.}

58.—(1) If the conciliation officer is unable to effect a settlement of the matter complained of, the Minister may appoint a commissioner and shall forthwith communicate the ^{Commissioners, appointment;}

name of the commissioner to the parties and thereupon it shall be presumed conclusively that the commissioner was appointed in accordance with this Act, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commissioner, or to review, prohibit or restrain any of his proceedings.

powers;

(2) The commissioner shall have all the powers of a conciliation board under section 26.

duties;

(3) The commissioner shall give the parties full opportunity to present evidence and to make submissions and if he finds that the complaint is supported by the evidence he shall recommend to the Minister the course that ought to be taken with respect to the complaint, which may include reinstatement with or without compensation for loss of earnings and other benefits.

clarification
etc., of
recom-
mendations;

(4) After a commissioner has made his recommendations, the Minister may direct him to clarify or amplify any of his recommendations and they shall not be deemed to have been received by the Minister until they have been so clarified or amplified.

Minister's
order;

(5) The Minister shall issue whatever order he deems necessary to carry the recommendations of the commissioner into effect and the order shall be final and shall be complied with in accordance with its terms.

remunera-
tion.

(6) A commissioner shall be remunerated for his services at the same rate as the chairman of a conciliation board. *New.*

Declaration
of unlawful
strikes.

59. Where a trade union calls or authorizes a strike which the employer or employers' organization concerned alleges is unlawful, the employer or employers' organization may apply to the Board for a declaration that the strike is unlawful and the Board may make such a declaration. *New.*

Declaration
of unlawful
lock-outs.

60. Where an employer or employers' organization calls or authorizes a lock-out which any of the employees or the trade union concerned alleges is unlawful, any of the employees or the trade union may apply to the Board for a declaration that the lock-out is unlawful and the Board may make such a declaration. *New.*

Offences and
penalties.

61.—(1) Every person, trade union or employers' organization who fails to comply with any provision of this Act or of any decision, order, direction, declaration or ruling made under this Act is guilty of an offence and on summary conviction is liable,

(a) if an individual, to a penalty of not more than \$100;
or

(b) if a corporation, trade union or employers' organization, to a penalty of not more than \$1,000.

(2) Each day that any person, trade union or employers' organization fails to comply with any provision of this Act or of any decision, order, direction, declaration or ruling made under this Act shall be deemed to constitute a separate offence. Continued offences.

(3) Every penalty recovered for an offence under this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. *New.* Disposition of penalties.

62. An information or complaint in respect of any contravention of this Act may be for one or more offences and no information, complaint, warrant, conviction or other proceedings in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. *New.* Information may be in respect of one or more offences.

63. If a corporation, trade union or employers' organization is guilty of an offence under this Act, every officer, official or agent thereof who assented to the commission of the offence shall be deemed to be a party to and guilty of the offence. *New.* Parties.

64. A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the union or organization shall be deemed to be an act or thing done or omitted by the union or organization. *New.* Style of prosecutions.

65. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Board. *New.* Consent.

Administration.

66.—(1) The Ontario Labour Relations Board is continued. *New.* Ontario Labour Relations Board continued;

(2) The Board shall consist of a chairman and four other members who shall be equally representative of employers and employees. 1948, c. 51, s. 2 (1), *amended.* composition;

appoint-
ments;

(3) The chairman and other members of the Board shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. 1948, c. 51, s. 3 (1).

vice-
chairman;

(4) The Lieutenant-Governor in Council may appoint a vice-chairman who shall act as chairman and as a member of the Board only,

(a) at such times or in such matters as the chairman may direct; and

(b) at such times as the chairman is unable to act. 1948, c. 51, s. 3 (2), *amended*.

oath of
office;

(5) Each member of the Board shall, before entering upon his duties, take and subscribe before the Clerk of the Executive Council and file in his office an oath of office in the following form:

I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (*or* chairman, *or* vice-chairman) of the Ontario Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the Board. So help me God.

1948, c. 51, s. 3 (3).

office;

(6) The office of the Board shall be in Toronto but the Board may sit at such other places as it deems expedient. 1948, c. 51, s. 3 (4).

quorum;

(7) A majority of the members of the Board shall constitute a quorum. 1948, c. 51, s. 3 (5).

decisions;

(8) The decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or vice-chairman, as the case may be, shall have a casting vote. 1948, c. 51, s. 3 (6), *amended*.

seal;

(9) The Board shall have an official seal. *New*.

procedure;

(10) The Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Board may, subject to the approval of the Lieutenant-Governor in Council, make rules governing its practice and procedure and prescribing such forms as may be deemed advisable. 1948, c. 51, s. 3 (9), *amended*.

registrar,
etc.;

(11) The Lieutenant-Governor in Council may appoint a registrar, such other officers and such clerks and servants as

may be required for the purposes of the Board and they shall exercise such powers and perform such duties as may be conferred or imposed upon them by the Board. 1948, c. 51, s. 6, *amended*.

(12) The chairman, the vice-chairman, if any, the other ^{remuneration.} members of the Board and its registrar and other officers shall be paid such remuneration as may be fixed by the Lieutenant-Governor in Council. 1948, c. 51, s. 10, *part, amended*.

67.—(1) The Board shall exercise such powers and perform such duties as may be conferred or imposed upon it by ^{Powers and duties of Board, general;} or under this Act. 1948, c. 51, s. 2 (2).

(2) Without limiting the generality of subsection 1 the ^{specific.} Board shall have power,

- (a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath, and to produce such documents and things as the Board deems requisite to the full investigation and consideration of matters within its jurisdiction in the same manner as a court of record in civil cases;
- (b) to administer oaths;
- (c) to accept such oral or written evidence as it in its discretion may deem proper, whether admissible in a court of law or not;
- (d) to require employers to post and to keep posted upon their premises in a conspicuous place or places where they are most likely to come to the attention of all employees concerned, any notices that the Board deems necessary to bring to the attention of such employees in connection with any proceedings before the Board;
- (e) to enter any premises where work is being or has been done by the employees or in which the employer carries on business, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter;
- (f) to enter upon the premises of employers and conduct representation votes during working hours and give such directions in connection with the vote as it may deem necessary;

- (g) to authorize any person to do anything that the Board may do under clauses *a* to *f* and to report to the Board thereon;
- (h) to bar an unsuccessful applicant for certification or for a declaration that a trade union no longer represents the employees from filing a new application for any period that the Board may specify not exceeding ten months. 1948, c. 51, s. 3 (7, 8), *amended*.

Jurisdiction. **68.**—(1) The Board shall have exclusive jurisdiction to exercise the powers conferred upon it by or under this Act and without limiting the generality of the foregoing, if any question arises in any proceeding,

- (a) as to whether a person is an employer or an employee;
- (b) as to whether an organization is a trade union or an employers' organization;
- (c) as to whether a collective agreement has been made or as to whether it is in operation or as to who the parties are or who are bound by it or on whose behalf it was made;
- (d) as to whether a group of employees constitute a bargaining unit;
- (e) as to whether the parties have bargained in good faith and made every reasonable effort to make a collective agreement;
- (f) as to whether a trade union represents the employees in a bargaining unit; or
- (g) as to whether a person is a member of a trade union,

the decision of the Board thereon shall be final and conclusive for all purposes, but nevertheless the Board may at any time if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling.

Idem. (2) If in the course of bargaining for a collective agreement or if during the period of operation of a collective agreement, any question arises as to whether a person is an employee, the question may be referred to the Board and the decision of the Board thereon shall be final and conclusive for all purposes. 1948, c. 51, s. 4, *amended*.

69. No decision, order, direction, declaration or ruling of the Board shall be questioned or reviewed in any court, and no order shall be made or process entered, or proceedings taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto, or otherwise, to question, review, prohibit or restrain the Board or any of its proceedings. 1948, c. 51, s. 5.

Board's orders not subject to review.

70. No member of the Board, nor its registrar, nor any of its other officers, nor any of its clerks or servants shall be required to give testimony in any civil suit respecting information obtained in the discharge of their duties under this Act.

Protection from being called as witness.

New.

71. Any document purporting to be or to contain a copy of a decision, order, direction, declaration or ruling of the Board and purporting to be signed by a member of the Board or by its registrar shall be accepted by any court as evidence of such decision, order, direction, declaration or ruling. *New.*

Documentary evidence.

General.

72.—(1) The records of a trade union relating to membership or any records that may disclose whether any person is or is not a member of a trade union or does or does not desire to be represented by a trade union produced in any proceeding before the Board shall be for the exclusive use of the Board and its officers and shall not, save with the consent of the Board, be disclosed, and no person shall, save with the consent of the Board, be compelled to disclose whether any person is or is not a member of a trade union or does or does not desire to be represented by a trade union.

Secrecy as to union membership.

(2) No information or material furnished to or received by a conciliation officer under this Act and no report of a conciliation officer shall be disclosed except to the Minister, the Deputy Minister of Labour or the chief conciliation officer of the Department of Labour, and no conciliation officer shall be a competent or compellable witness in any proceeding before any court or other tribunal respecting any such information, material or report. *New.*

Secrecy of information given conciliation officers.

73. Where an appointment, order or direction is required to be made under this Act by the Minister, he may authorize the Deputy Minister of Labour to make such appointment, order or direction, and any document purporting to be or to contain a copy of any such appointment, order or direction purporting to be signed by the Minister or by the Deputy Minister shall be accepted by any court as evidence of such appointment, order or direction. *New.*

Delegation of Minister's powers to Deputy Minister.

Mailed
notices.

74. For the purposes of this Act and of any proceeding taken under it, any notice or communication sent through His Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail. *New.*

Defects in
form;
technical
irregularities.

75. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity nor shall it be quashed or set aside if no substantial wrong or miscarriage of justice has occurred. *New.*

Administra-
tion cost.

76. The expenses incurred in the administration of this Act shall be paid out of such moneys as may be appropriated by the Legislature for the purpose. 1948, c. 51, s. 10, *part, amended.*

Regulations.

77. The Lieutenant-Governor in Council may make regulations,

- (a) to provide for and regulate the engagement by conciliation boards of experts, investigators and other assistants;
- (b) to prescribe procedures regulating the payment of expenses of conciliation boards;
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1948, c. 51, s. 7, *amended.*

1948, c. 51;
O. Reg.
279/48;
O. Reg.
280/48,
repealed.

78. *The Labour Relations Act, 1948* and the regulations made thereunder are repealed, but every proceeding pending before the Board when this Act comes into force shall be carried to a conclusion under the law in force when such proceeding was commenced.

Effect of
certification
under
previous
law.

79. Every trade union that is certified as the bargaining agent for a unit of employees when this Act comes into force shall be deemed to have been certified under this Act.

Present
Board, etc.
continued.

80. The chairman, the vice-chairman, if any, and the other members of the Board and its registrar and other officers in office when this Act comes into force shall continue in office during pleasure.

Municipali-
ties, local
boards, etc.
Rev. Stat.,
c. 59.

81. Any municipality as defined in *The Department of Municipal Affairs Act* may declare that this Act shall not apply to it in its relations with its employees or any of them.

Commence-
ment of Act.

82. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

83. This Act may be cited as *The Labour Relations Act, 1950.*

The Labour Relations Act, 1950.

1st Reading

February 28th, 1950

2nd Reading

April 4th, 1950

3rd Reading

April 6th, 1950

Mr. DALEY

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Power Commission Act.

MR. CHALLIES

EXPLANATORY NOTES

SECTION 1. At present *The Power Commission Act* does not define fiscal year. The amendment provides that the fiscal year will end on the 31st of December instead of the 31st of October according to present practice.

SECTION 2. The amendment is to make uniform the filing of annual reports with the Provincial Secretary.

SECTION 3. The amendment is to make it clear that where any works, etc., have been authorized by the Lieutenant-Governor in Council under this Act they may be developed and improved, etc., notwithstanding the provisions of any other Act.

BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Power Commission Act* is amended by adding thereto the following section:
 - 6b. The fiscal year of the Commission for the year 1950 shall consist of fourteen months commencing on the 1st day of November, 1949, and ending on the 31st day of December, 1950, and thereafter the fiscal year of the Commission shall include the period from the 1st day of January to the 31st day of December in the same year. Rev. Stat., c. 62, amended. Fiscal year.
2. Section 7 of *The Power Commission Act*, as amended by section 3 of *The Power Commission Amendment Act, 1946* and section 2 of *The Power Commission Amendment Act, 1949*, is repealed and the following substituted therefor:
 - 7.—(1) The Commission shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Commission. Rev. Stat., c. 62, s. 7, re-enacted. Annual report.
 - (2) The annual report shall be signed by the chairman or vice-chairman of the Commission. Signing of report.
 - (3) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly if it is then in session, or if not, at the next ensuing session. Tabling of report.
3. Clause *a* of subsection 2 of section 21 of *The Power Commission Act*, as re-enacted by section 8 of *The Power Commission Amendment Act, 1946*, is amended by inserting after the word "and" where it occurs the second time in the twelfth line the words "notwithstanding anything in or done pursuant to any other Act", so that the clause shall read as follows: Rev. Stat., c. 62, s. 21, subs. 2, cl. a (1946, c. 73, s. 8), amended.

To acquire
lands,
waters,
powers and
works.

- (a) acquire by purchase, lease or otherwise, land, waters, water privileges, water powers, buildings and works used for, or adapted or useful for, or capable of being used or made useful for generating, transforming, transmitting, distributing or selling electric or other power or energy; enter upon, take possession of, expropriate, acquire and use any such land, waters, water privileges, water powers, buildings and works without the consent of the owner thereof, or of any person in any manner entitled to any right, title, interest, claim or demand thereto or therein; and have and hold them however acquired or obtained, and notwithstanding anything in or done pursuant to any other Act develop, utilize, use, maintain, operate and improve them for any of the purposes of this Act.

Rev. Stat.,
c. 62, s. 54,
re-enacted.

4. Section 54 of *The Power Commission Act* is repealed and the following substituted therefor:

By-laws may
be passed
by township
re,

- 54.—(1) Notwithstanding anything in *The Public Utilities Act*, or in any other Act, the council of a township may from time to time pass by-laws,—

establishing
areas in
township;

- (a) for establishing, with the approval of the Commission, an area in the township to which any of the by-laws passed under clauses *b*, *c* and *d* may have effect, or establishing the whole township as such an area;

contract
with Com-
mission
for power;

- (b) for entering into a contract with the Commission, with the assent of the municipal electors of the area qualified to vote on money by-laws, for the supply of electrical power or energy for the use of the municipality and the inhabitants thereof in any area established under clause *a*;

works;

- (c) for acquiring real and personal property and acquiring, constructing, reconstructing, extending and operating works for the development, transmission and distribution of electrical power or energy in the municipality;

general
powers.

Rev. Stat.,
cc. 266, 269,
286.

- (d) for exercising, for such purposes, any of the powers which may be exercised by a town under the authority of *The Municipal Act*, *The Local Improvement Act*, *The Public Utilities Act*, or this Act.

SECTION 4. There is at present some conflict in section 54. The amendment is to clarify the meaning of the section.

- (2) The council, with the approval of the Commission, Alteration of areas. may from time to time, by by-law, enlarge the boundaries of any area established under clause *a* of subsection 1, or otherwise alter its boundaries or incorporate with it any other established area.
- (3) When the council has passed a by-law under clause *a* Debenture issue. of subsection 1 or under subsection 2, it may issue debentures for the purposes of clause *b*, *c* or *d* of subsection 1, and levy a special rate for the amounts required to be raised on account of principal or sinking fund and of interest for the payment of such debentures in the area so established, enlarged or altered, and notwithstanding anything in *The Municipal Act* or in any other Act, it shall not be necessary to obtain the assent of the electors to the by-law for the issue of such debentures.
- (4) The council of a township which has entered into a contract with the Commission for the supply of Commission for construction and management of works. electrical power or energy for the use of the municipality and the inhabitants thereof in any area established under clause *a* of subsection 1 may by by-law provide for entrusting the construction of the works and the control and management thereof to a commission to be called "The Hydro-Electric Commission of (*naming the area*) of (*naming the township*)" or if the area comprises the whole township, "The Hydro-Electric Commission of the Township of (*naming the township*)".
- (5) It shall not be necessary to obtain the assent of the Assent of electors not necessary. electors to the establishment of any commission under subsection 4, but the commissioners elected shall be residents of the area for which they are elected commissioners.
- (6) Upon the incorporation of any area in another area the commission, if any, for the area so incorporated shall be deemed to be disestablished and the commission, if any, for the other area shall be a commission Disestablishment of commission on incorporation with other areas. for the combined area.
- (7) Subject to subsection 8, where a commission has Revenue of commission. been established under this section and the members thereof have been elected, all the powers, rights, authorities and privileges which by *The Public Utilities Act* are conferred upon a municipal corporation in respect of electrical power or energy shall, while the by-law for establishing it remain in force, be exercised by the commission within the area for Rev. Stat., c. 286.

which it was established or within the area to which such area may have been enlarged and not by the council of the corporation.

Council
to provide
money for
works.

- (8) Nothing in this section shall divest the council of its authority with reference to providing the money required for the works, and the treasurer of the municipality shall, upon the certificate of the commission, pay out any money so provided, and nothing in this Act shall divest the council of the rights and powers conferred upon it by *The Local Improvement Act*.

Rev. Stat.,
c. 269.

Provisions
of Rev. Stat.,
c. 286 to
apply.

- (9) Sections 37, 38, 39, 42 and 43 of *The Public Utilities Act* shall apply to every commission established under this section.

Repeal of
by-law
establishing
commission.

- (10) A by-law establishing a commission under this section may be repealed by the council at any time with the consent of The Hydro-Electric Power Commission of Ontario and it shall not be necessary to obtain the assent of the electors to a repeal.

Reverting
of works.

- (11) Upon the repeal of a by-law establishing a commission under this section, the control and management of the works shall be vested in the council, and the commission shall cease to exist.

Rev. Stat.,
c. 62, s. 56,
subs. 5
(1948,
c. 69, s. 4).
amended.

5. Subsection 5 of section 56 of *The Power Commission Act*, as re-enacted by section 4 of *The Power Commission Amendment Act, 1948*, is amended by striking out the words "with the approval of the Lieutenant-Governor in Council" in the first and second lines, so that the subsection shall read as follows:

Use of right-
of-way of
railway,
power and
transmission
companies.

- (5) The Commission may contract with a railway company or power or transmission company for the use of its right-of-way and property for the purposes of the Commission.

Rev. Stat.,
c. 62,
amended.

6. *The Power Commission Act* is amended by adding thereto the following section:

Lighting
of highways
without a
petition.

80a.—(1) Notwithstanding anything in this or any other Act the council of a township which has entered into a contract with the Commission under this Part, may, without petition and without submitting a by-law to a vote of the electors, enter into a contract with the Commission for the lighting by the Commission of highways in the municipality and pursuant to such contract, the Commission, on

SECTION 5. The amendment simplifies the procedure under subsection 5 of section 56.

SECTION 6. The present procedure is causing rural municipalities undue difficulty re street lighting. The amendment now provides a more simple alternative procedure.

SECTION 7. The amendment permits the adoption of electrical standards uniform with other provinces.

SECTION 8—Subsection 1. The amendment is to facilitate the placing of liability insurance for local hydro commissions.

behalf of the corporation, may acquire, construct, extend, reconstruct, hold, maintain, operate and administer all works necessary for the lighting of the highways and a by-law of the corporation authorizing the execution of the contract by the corporation need not provide for the issue of debentures of the corporation to meet the cost of construction and installation of the works necessary for this purpose.

- (2) All the works in subsection 1 shall be deemed street lighting works and shall not form any part of the primary or secondary lines in a rural power district. Street lighting works.
- (3) The provisions of Part II with respect to the annual payments to be made by any corporation which has entered into a contract with the Commission shall apply to any contract entered into under this section and shall extend to all works constructed under such contract. Part II as to annual payment to apply.
- (4) Notwithstanding anything in this or any other Act the cost incurred by the corporation under this section shall be paid by the corporation and be chargeable to the municipality as a whole and the assent of the electors to a by-law for such purpose shall not be required. Charging of cost.

7. Section 87 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1944*, is further amended by adding thereto the following subsections: Rev. Stat., c. 62, s. 87, amended.

- (2a) The Commission may appoint persons or associations having, in the opinion of the Commission, special knowledge and facilities to inspect, test and report upon any of the works or matters mentioned in subsection 1. Appointment of persons or associations to inspect and test.
- (2b) The Commission may approve of any of the works or matters mentioned in subsection 1 by adopting the report made pursuant to subsection 2a or otherwise as the Commission may deem advisable. Approval by adoption of report.

8.—(1) Subsection 2 of section 92 of *The Power Commission Act* is amended by adding at the end thereof the words "and a contract with an insurance corporation for the purpose of this section may protect more than one municipal corporation or municipal commission as the insured thereunder", so that the subsection shall read as follows: Rev. Stat., c. 62, s. 92, subs. 2, amended.

Amount
and terms.

- (2) The insurance shall be for such amount and upon such terms and conditions as the Commission may direct and approve and a contract with an insurance corporation for the purpose of this section may protect more than one municipal corporation or municipal commission as the insured thereunder.

Rev. Stat.,
c. 62, s. 92,
amended.

- (2) The said section 92 is further amended by adding thereto the following subsection:

Where insur-
ance not
necessary.

Rev. Stat.,
c. 204.

- (5) Where any municipal corporation or commission is in Schedule 1 of *The Workmen's Compensation Act* and is paying assessment to the Workmen's Compensation Board, notwithstanding any other provision in this Act, it shall not be necessary for such municipal corporation or commission to maintain insurance against injury to the person of employees.

Rev. Stat.,
c. 62,
Sched. A
(1946,
c. 73, s. 18),
amended.

9. Schedule A to *The Power Commission Act*, as re-enacted by section 18 of *The Power Commission Amendment Act, 1946*, is amended by striking out the word "year" in the first line and inserting in lieu thereof the words "the twelve-month period".

Commence-
ment of Act.

10. This Act shall come into force on the day it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Power Commission Amendment Act, 1950*.

Subsection 2. The amendment provides that a municipality need not insure against injury to the person of employees, if it is paying into the accident fund under *The Workmen's Compensation Act*.

SECTION 9. The amendment is complementary to section 1 of the Bill.

BILL

An Act to amend The Power
Commission Act.

1st Reading

March 1st, 1950

2nd Reading

3rd Reading

MR. CHALLIES

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Power Commission Act.

MR. CHALLIES

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

SECTION 1. At present *The Power Commission Act* does not define fiscal year. The amendment provides that the fiscal year will end on the 31st of December instead of the 31st of October according to present practice.

SECTION 2. The amendment is to make uniform the filing of annual reports with the Provincial Secretary.

SECTION 3. There is at present some conflict in section 54. The amendment is to clarify the meaning of the section.

No. 83

1950

BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Power Commission Act* is amended by adding thereto the following section: Rev. Stat., c. 62, amended.

6b. The fiscal year of the Commission for the year 1950 shall consist of fourteen months commencing on the 1st day of November, 1949, and ending on the 31st day of December, 1950, and thereafter the fiscal year of the Commission shall include the period from the 1st day of January to the 31st day of December in the same year. Fiscal year.

2. Section 7 of *The Power Commission Act*, as amended by section 3 of *The Power Commission Amendment Act, 1946* and section 2 of *The Power Commission Amendment Act, 1949*, is repealed and the following substituted therefor: Rev. Stat., c. 62, s. 7, re-enacted.

7.—(1) The Commission shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Commission. Annual report.

(2) The annual report shall be signed by the chairman or vice-chairman of the Commission. Signing of report.

(3) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly if it is then in session, or if not, at the next ensuing session. Tabling of report.

3. Section 54 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat., c. 62, s. 54, re-enacted.

54.—(1) Notwithstanding anything in *The Public Utilities Act*, or in any other Act, the council of a township may from time to time pass by-laws,— By-laws may be passed by township re.

establishing
areas in
township;

- (a) for establishing, with the approval of the Commission, an area in the township to which any of the by-laws passed under clauses *b*, *c* and *d* may have effect, or establishing the whole township as such an area;

contract
with Com-
mission
for power;

- (b) for entering into a contract with the Commission, with the assent of the municipal electors of the area qualified to vote on money by-laws, for the supply of electrical power or energy for the use of the municipality and the inhabitants thereof in any area established under clause *a*;

works;

- (c) for acquiring real and personal property and acquiring, constructing, reconstructing, extending and operating works for the development, transmission and distribution of electrical power or energy in the municipality;

general
powers.

Rev. Stat.,
cc. 266, 269,
286.

- (d) for exercising, for such purposes, any of the powers which may be exercised by a town under the authority of *The Municipal Act*, *The Local Improvement Act*, *The Public Utilities Act*, or this Act.

Alteration
of areas.

- (2) The council, with the approval of the Commission, may from time to time, by by-law, enlarge the boundaries of any area established under clause *a* of subsection 1, or otherwise alter its boundaries or incorporate with it any other established area.

Debenture
issue.

- (3) When the council has passed a by-law under clause *a* of subsection 1 or under subsection 2, it may issue debentures for the purposes of clause *b*, *c* or *d* of subsection 1, and levy a special rate for the amounts required to be raised on account of principal or sinking fund and of interest for the payment of such debentures in the area so established, enlarged or altered, and notwithstanding anything in *The Municipal Act* or in any other Act, it shall not be necessary to obtain the assent of the electors to the by-law for the issue of such debentures.

Commission
for con-
struction
and manage-
ment of
works.

- (4) The council of a township which has entered into a contract with the Commission for the supply of electrical power or energy for the use of the municipality and the inhabitants thereof in any area established under clause *a* of subsection 1 may by by-law provide for entrusting the construction of the

works and the control and management thereof to a commission to be called "The Hydro-Electric Commission of (*naming the area*) of (*naming the township*)" or if the area comprises the whole township, "The Hydro-Electric Commission of the Township of (*naming the township*)".

- (5) It shall not be necessary to obtain the assent of the electors to the establishment of any commission under subsection 4, but the commissioners elected shall be residents of the area for which they are elected commissioners. Assent of electors not necessary.
- (6) Upon the incorporation of any area in another area the commission, if any, for the area so incorporated shall be deemed to be disestablished and the commission, if any, for the other area shall be a commission for the combined area. Disestablishment of commission on incorporation with other areas.
- (7) Subject to subsection 8, where a commission has been established under this section and the members thereof have been elected, all the powers, rights, authorities and privileges which by *The Public Utilities Act* are conferred upon a municipal corporation in respect of electrical power or energy shall, while the by-law for establishing it remain in force, be exercised by the commission within the area for which it was established or within the area to which such area may have been enlarged and not by the council of the corporation. Revenue of commission. Rev. Stat., c. 286.
- (8) Nothing in this section shall divest the council of its authority with reference to providing the money required for the works, and the treasurer of the municipality shall, upon the certificate of the commission, pay out any money so provided, and nothing in this Act shall divest the council of the rights and powers conferred upon it by *The Local Improvement Act*. Council to provide money for works. Rev. Stat., c. 269.
- (9) Sections 37, 38, 39, 42 and 43 of *The Public Utilities Act* shall apply to every commission established under this section. Provisions of Rev. Stat., c. 286 to apply.
- (10) A by-law establishing a commission under this section may be repealed by the council at any time with the consent of The Hydro-Electric Power Commission of Ontario and it shall not be necessary to obtain the assent of the electors to a repeal: Repeal of by-law establishing commission.

Reverting
of works.

- (11) Upon the repeal of a by-law establishing a commission under this section, the control and management of the works shall be vested in the council, and the commission shall cease to exist.

Rev. Stat.,
c. 62, s. 56,
subs. 5
(1948,
c. 69, s. 4),
amended.

4. Subsection 5 of section 56 of *The Power Commission Act*, as re-enacted by section 4 of *The Power Commission Amendment Act, 1948*, is amended by striking out the words "with the approval of the Lieutenant-Governor in Council" in the first and second lines, so that the subsection shall read as follows:

Use of right-
of-way of
railway,
power and
transmission
companies.

- (5) The Commission may contract with a railway company or power or transmission company for the use of its right-of-way and property for the purposes of the Commission.

Rev. Stat.,
c. 62,
amended.

5. *The Power Commission Act* is amended by adding thereto the following section:

Lighting
of highways
without a
petition.

- 80a.—(1) Notwithstanding anything in this or any other Act the council of a township which has entered into a contract with the Commission under this Part, may, without petition and without submitting a by-law to a vote of the electors, enter into a contract with the Commission for the lighting by the Commission of highways in the municipality and pursuant to such contract, the Commission, on behalf of the corporation, may acquire, construct, extend, reconstruct, hold, maintain, operate and administer all works necessary for the lighting of the highways and a by-law of the corporation authorizing the execution of the contract by the corporation need not provide for the issue of debentures of the corporation to meet the cost of construction and installation of the works necessary for this purpose.

Street
lighting
works.

- (2) All the works in subsection 1 shall be deemed street lighting works and shall not form any part of the primary or secondary lines in a rural power district.

Part II
as to annual
payment
to apply.

- (3) The provisions of Part II with respect to the annual payments to be made by any corporation which has entered into a contract with the Commission shall apply to any contract entered into under this section and shall extend to all works constructed under such contract.

Charging
of cost.

- (4) Notwithstanding anything in this or any other Act the cost incurred by the corporation under this section shall be paid by the corporation and be charge-

SECTION 4. The amendment simplifies the procedure under subsection 5 of section 56.

SECTION 5. The present procedure is causing rural municipalities undue difficulty re street lighting. The amendment now provides a more simple alternative procedure.

SECTION 6. The amendment permits the adoption of electrical standards uniform with other provinces.

SECTION 7—Subsection 1. The amendment is to facilitate the placing of liability insurance for local hydro commissions.

Subsection 2. The amendment provides that a municipality need not insure against injury to the person of employees, if it is paying into the accident fund under *The Workmen's Compensation Act*.

SECTION 8. The amendment is complementary to section 1 of the Bill.

able to the municipality as a whole and the assent of the electors to a by-law for such purpose shall not be required.

6. Section 87 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1944*, is further amended by adding thereto the following subsections: Rev. Stat., c. 62, s. 87, amended.

- (2a) The Commission may appoint persons or associations having, in the opinion of the Commission, special knowledge and facilities to inspect, test and report upon any of the works or matters mentioned in subsection 1. Appointment of persons or associations to inspect and test.
- (2b) The Commission may approve of any of the works or matters mentioned in subsection 1 by adopting the report made pursuant to subsection 2a or otherwise as the Commission may deem advisable. Approval by adoption of report.

7.—(1) Subsection 2 of section 92 of *The Power Commission Act* is amended by adding at the end thereof the words “and a contract with an insurance corporation for the purpose of this section may protect more than one municipal corporation or municipal commission as the insured thereunder”, so that the subsection shall read as follows: Rev. Stat., c. 62, s. 92, subs. 2, amended.

- (2) The insurance shall be for such amount and upon such terms and conditions as the Commission may direct and approve and a contract with an insurance corporation for the purpose of this section may protect more than one municipal corporation or municipal commission as the insured thereunder. Amount and terms.

(2) The said section 92 is further amended by adding thereto the following subsection: Rev. Stat., c. 62, s. 92, amended.

- (5) Where any municipal corporation or commission is in Schedule 1 of *The Workmen's Compensation Act* and is paying assessment to the Workmen's Compensation Board, notwithstanding any other provision in this Act, it shall not be necessary for such municipal corporation or commission to maintain insurance against injury to the person of employees. Where insurance not necessary. Rev. Stat., c. 204.

8. Schedule A to *The Power Commission Act*, as re-enacted by section 18 of *The Power Commission Amendment Act, 1946*, is amended by striking out the word “year” in the first line and inserting in lieu thereof the words “the twelve-month period”. Rev. Stat., c. 62, Sched. A (1946, c. 73, s. 18), amended.

9. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

10. This Act may be cited as *The Power Commission Amendment Act, 1950*. Short title.

SECTION 6. The amendment permits the adoption of electrical standards uniform with other provinces.

SECTION 7—Subsection 1. The amendment is to facilitate the placing of liability insurance for local hydro commissions.

Subsection 2. The amendment provides that a municipality need not insure against injury to the person of employees, if it is paying into the accident fund under *The Workmen's Compensation Act*.

SECTION 8. The amendment is complementary to section 1 of the Bill.

able to the municipality as a whole and the assent of the electors to a by-law for such purpose shall not be required.

6. Section 87 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1944*, is further amended by adding thereto the following subsections: Rev. Stat., c. 62, s. 87, amended.

- (2a) The Commission may appoint persons or associations having, in the opinion of the Commission, special knowledge and facilities to inspect, test and report upon any of the works or matters mentioned in subsection 1. Appointment of persons or associations to inspect and test.
- (2b) The Commission may approve of any of the works or matters mentioned in subsection 1 by adopting the report made pursuant to subsection 2a or otherwise as the Commission may deem advisable. Approval by adoption of report.

7.—(1) Subsection 2 of section 92 of *The Power Commission Act* is amended by adding at the end thereof the words “and a contract with an insurance corporation for the purpose of this section may protect more than one municipal corporation or municipal commission as the insured thereunder”, so that the subsection shall read as follows: Rev. Stat., c. 62, s. 92, subs. 2, amended.

- (2) The insurance shall be for such amount and upon such terms and conditions as the Commission may direct and approve and a contract with an insurance corporation for the purpose of this section may protect more than one municipal corporation or municipal commission as the insured thereunder. Amount and terms.

(2) The said section 92 is further amended by adding thereto the following subsection: Rev. Stat., c. 62, s. 92, amended.

- (5) Where any municipal corporation or commission is in Schedule 1 of *The Workmen's Compensation Act* and is paying assessment to the Workmen's Compensation Board, notwithstanding any other provision in this Act, it shall not be necessary for such municipal corporation or commission to maintain insurance against injury to the person of employees. Where insurance not necessary. Rev. Stat., c. 204.

8. Schedule A to *The Power Commission Act*, as re-enacted by section 18 of *The Power Commission Amendment Act, 1946*, is amended by striking out the word “year” in the first line and inserting in lieu thereof the words “the twelve-month period”. Rev. Stat., c. 62, Sched. A (1946), c. 73, s. 18, amended.

9. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

10. This Act may be cited as *The Power Commission Amendment Act, 1950*. Short title.

BILL

An Act to amend The Power
Commission Act.

1st Reading

March 1st, 1950

2nd Reading

March 3rd, 1950

3rd Reading

MR. CHALLIES

(*Reprinted as amended in Committee of the
Whole House.*)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Power Commission Act.

MR. CHALLIES

No. 83

1950

BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Power Commission Act* is amended by adding thereto the following section: Rev. Stat.,
c. 62,
amended.

6b. The fiscal year of the Commission for the year 1950 shall consist of fourteen months commencing on the 1st day of November, 1949, and ending on the 31st day of December, 1950, and thereafter the fiscal year of the Commission shall include the period from the 1st day of January to the 31st day of December in the same year. Fiscal
year.

2. Section 7 of *The Power Commission Act*, as amended by section 3 of *The Power Commission Amendment Act, 1946* and section 2 of *The Power Commission Amendment Act, 1949*, is repealed and the following substituted therefor: Rev. Stat.,
c. 62, s. 7,
re-enacted.

7.—(1) The Commission shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Commission. Annual
report.

(2) The annual report shall be signed by the chairman or vice-chairman of the Commission. Signing
of report.

(3) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly if it is then in session, or if not, at the next ensuing session. Tabling of
report.

3. Section 54 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 62, s. 54,
re-enacted.

54.—(1) Notwithstanding anything in *The Public Utilities Act*, or in any other Act, the council of a township may from time to time pass by-laws,— By-laws may
be passed
by township
re,

establishing
areas in
township;

- (a) for establishing, with the approval of the Commission, an area in the township to which any of the by-laws passed under clauses *b*, *c* and *d* may have effect, or establishing the whole township as such an area;

contract
with Com-
mission
for power;

- (b) for entering into a contract with the Commission, with the assent of the municipal electors of the area qualified to vote on money by-laws, for the supply of electrical power or energy for the use of the municipality and the inhabitants thereof in any area established under clause *a*;

works;

- (c) for acquiring real and personal property and acquiring, constructing, reconstructing, extending and operating works for the development, transmission and distribution of electrical power or energy in the municipality;

general
powers.

Rev. Stat.,
cc. 266, 269,
286.

- (d) for exercising, for such purposes, any of the powers which may be exercised by a town under the authority of *The Municipal Act*, *The Local Improvement Act*, *The Public Utilities Act*, or this Act.

Alteration
of areas.

- (2) The council, with the approval of the Commission, may from time to time, by by-law, enlarge the boundaries of any area established under clause *a* of subsection 1, or otherwise alter its boundaries or incorporate with it any other established area.

Debenture
issue.

- (3) When the council has passed a by-law under clause *a* of subsection 1 or under subsection 2, it may issue debentures for the purposes of clause *b*, *c* or *d* of subsection 1, and levy a special rate for the amounts required to be raised on account of principal or sinking fund and of interest for the payment of such debentures in the area so established, enlarged or altered, and notwithstanding anything in *The Municipal Act* or in any other Act, it shall not be necessary to obtain the assent of the electors to the by-law for the issue of such debentures.

Commission
for con-
struction
and manage-
ment of
works.

- (4) The council of a township which has entered into a contract with the Commission for the supply of electrical power or energy for the use of the municipality and the inhabitants thereof in any area established under clause *a* of subsection 1 may by by-law provide for entrusting the construction of the

works and the control and management thereof to a commission to be called "The Hydro-Electric Commission of (*naming the area*) of (*naming the township*)" or if the area comprises the whole township, "The Hydro-Electric Commission of the Township of (*naming the township*)".

- (5) It shall not be necessary to obtain the assent of the electors to the establishment of any commission under subsection 4, but the commissioners elected shall be residents of the area for which they are elected commissioners. Assent of electors not necessary.
- (6) Upon the incorporation of any area in another area the commission, if any, for the area so incorporated shall be deemed to be disestablished and the commission, if any, for the other area shall be a commission for the combined area. Disestablishment of commission on incorporation with other areas.
- (7) Subject to subsection 8, where a commission has been established under this section and the members thereof have been elected, all the powers, rights, authorities and privileges which by *The Public Utilities Act* are conferred upon a municipal corporation in respect of electrical power or energy shall, while the by-law for establishing it remain in force, be exercised by the commission within the area for which it was established or within the area to which such area may have been enlarged and not by the council of the corporation. Revenue of commission. Rev. Stat., c. 286.
- (8) Nothing in this section shall divest the council of its authority with reference to providing the money required for the works, and the treasurer of the municipality shall, upon the certificate of the commission, pay out any money so provided, and nothing in this Act shall divest the council of the rights and powers conferred upon it by *The Local Improvement Act*. Council to provide money for works. Rev. Stat., c. 269.
- (9) Sections 37, 38, 39, 42 and 43 of *The Public Utilities Act* shall apply to every commission established under this section. Provisions of Rev. Stat., c. 286 to apply.
- (10) A by-law establishing a commission under this section may be repealed by the council at any time with the consent of The Hydro-Electric Power Commission of Ontario and it shall not be necessary to obtain the assent of the electors to a repeal. Repeal of by-law establishing commission.

Reverting
of works.

- (11) Upon the repeal of a by-law establishing a commission under this section, the control and management of the works shall be vested in the council, and the commission shall cease to exist.

Rev. Stat.,
c. 62, s. 56,
subs. 5
(1948,
c. 69, s. 4),
amended.

4. Subsection 5 of section 56 of *The Power Commission Act*, as re-enacted by section 4 of *The Power Commission Amendment Act, 1948*, is amended by striking out the words "with the approval of the Lieutenant-Governor in Council" in the first and second lines, so that the subsection shall read as follows:

Use of right-
of-way of
railway,
power and
transmission
companies.

- (5) The Commission may contract with a railway company or power or transmission company for the use of its right-of-way and property for the purposes of the Commission.

Rev. Stat.,
c. 62,
amended.

5. *The Power Commission Act* is amended by adding thereto the following section:

Lighting
of highways
without a
petition.

- 80a.—(1) Notwithstanding anything in this or any other Act the council of a township which has entered into a contract with the Commission under this Part, may, without petition and without submitting a by-law to a vote of the electors, enter into a contract with the Commission for the lighting by the Commission of highways in the municipality and pursuant to such contract, the Commission, on behalf of the corporation, may acquire, construct, extend, reconstruct, hold, maintain, operate and administer all works necessary for the lighting of the highways and a by-law of the corporation authorizing the execution of the contract by the corporation need not provide for the issue of debentures of the corporation to meet the cost of construction and installation of the works necessary for this purpose.

Street
lighting
works.

- (2) All the works in subsection 1 shall be deemed street lighting works and shall not form any part of the primary or secondary lines in a rural power district.

Part II
as to annual
payment
to apply.

- (3) The provisions of Part II with respect to the annual payments to be made by any corporation which has entered into a contract with the Commission shall apply to any contract entered into under this section and shall extend to all works constructed under such contract.

Charging
of cost.

- (4) Notwithstanding anything in this or any other Act the cost incurred by the corporation under this section shall be paid by the corporation and be charge-

able to the municipality as a whole and the assent of the electors to a by-law for such purpose shall not be required.

6. Section 87 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1944*, is further amended by adding thereto the following subsections: Rev. Stat., c. 62, s. 87, amended.

- (2a) The Commission may appoint persons or associations having, in the opinion of the Commission, special knowledge and facilities to inspect, test and report upon any of the works or matters mentioned in subsection 1. Appointment of persons or associations to inspect and test.
- (2b) The Commission may approve of any of the works or matters mentioned in subsection 1 by adopting the report made pursuant to subsection 2a or otherwise as the Commission may deem advisable. Approval by adoption of report.

7.—(1) Subsection 2 of section 92 of *The Power Commission Act* is amended by adding at the end thereof the words "and a contract with an insurance corporation for the purpose of this section may protect more than one municipal corporation or municipal commission as the insured thereunder", so that the subsection shall read as follows: Rev. Stat., c. 62, s. 92, subs. 2, amended.

- (2) The insurance shall be for such amount and upon such terms and conditions as the Commission may direct and approve and a contract with an insurance corporation for the purpose of this section may protect more than one municipal corporation or municipal commission as the insured thereunder. Amount and terms.

(2) The said section 92 is further amended by adding thereto the following subsection: Rev. Stat., c. 62, s. 92, amended.

- (5) Where any municipal corporation or commission is in Schedule 1 of *The Workmen's Compensation Act* and is paying assessment to the Workmen's Compensation Board, notwithstanding any other provision in this Act, it shall not be necessary for such municipal corporation or commission to maintain insurance against injury to the person of employees. Where insurance not necessary. Rev. Stat., c. 204.

8. Schedule A to *The Power Commission Act*, as re-enacted by section 18 of *The Power Commission Amendment Act, 1946*, is amended by striking out the word "year" in the first line and inserting in lieu thereof the words "the twelve-month period". Rev. Stat., c. 62, Sched. A (1946, c. 73, s. 18), amended.

9. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

10. This Act may be cited as *The Power Commission Amendment Act, 1950*. Short title.

BILL

An Act to amend The Power
Commission Act.

1st Reading

March 1st, 1950

2nd Reading

March 3rd, 1950

3rd Reading

March 13th, 1950

MR. CHALLIES

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Game and Fisheries Act, 1946.

MR. SCOTT (Peterborough)

EXPLANATORY NOTES

SECTION 1. The clause as re-enacted is broadened to bring it into accord with present departmental practice.

SECTION 2. The subsection repealed gives deputy game and fishery wardens the authority of constables for the purposes of *The Game and Fisheries Act, 1946*. The subsection is no longer required by reason of the new clause *p* of section 1 of the Act.

SECTION 3. The subsection is amended in order to make its enforcement more practicable.

SECTION 4. The words added are designed to assist in the proper enforcement of the section.

No. 84

1950

BILL

An Act to amend The Game and Fisheries Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *p* of section 1 of *The Game and Fisheries Act*, 1946, c. 33, s. 1, cl. *p*, re-enacted. is repealed and the following substituted therefor:

(*p*) "officer" shall mean any member of the Ontario Provincial Police Force, any game and fishery warden and any other person authorized to enforce this Act.

2. Subsection 2 of section 5 of *The Game and Fisheries Act*, 1946 is repealed. 1946, c. 33, s. 5, subs. 2, repealed.

3. Subsection 2 of section 8*b* of *The Game and Fisheries Act*, 1946, as enacted by section 5 of *The Game and Fisheries Amendment Act*, 1947, is amended by striking out the word "carry" in the second line and inserting in lieu thereof the word "possess" and by striking out the words "any other weapon or instrument for hunting, taking, molesting, wounding, trapping, killing or destroying any bird, fur-bearing animal or game" in the third, fourth, fifth and sixth lines and inserting in lieu thereof the word "weapon", so that the subsection shall read as follows: 1946, c. 33, s. 8*b*, subs. 2 (1947, c. 40, s. 5), amended.

(2) Except as provided in the regulations, no person shall possess or use, within the limits of a provincial park, any trap, fire-arm, explosive or weapon. Weapons, etc., in provincial parks.

4. Section 9 of *The Game and Fisheries Act*, 1946, as amended by section 3 of *The Game and Fisheries Amendment Act*, 1948, is further amended by adding at the end thereof the words "or carry or use any fire-arm or air-gun in any place frequented by game", so that the section shall read as follows: 1946, c. 33, s. 9, amended.

9. Except under a licence no non-resident shall hunt, take, molest, wound, trap, kill or destroy or attempt to hunt, take, molest, wound, trap, kill or destroy any animal or bird or carry or use any fire-arm or air-gun in any place frequented by game. Non-residents.

1946,
c. 33, s. 10,
subs. 4,
amended.

5. Subsection 4 of section 10 of *The Game and Fisheries Act, 1946* is amended by striking out the words "other than a trapper's licence" in the second line, so that the subsection shall read as follows:

Minors.

(4) Except as prescribed by the regulations no licence shall be issued to any person under the age of sixteen years.

1946,
c. 33, s. 17,
subs. 1,
amended.

6.—(1) Subsection 1 of section 17 of *The Game and Fisheries Act, 1946* is amended by striking out the words "or seine" in the second line and inserting in lieu thereof the words "seine or trap", so that the subsection shall read as follows:

Fish nets.

(1) Except under a licence no person shall buy, sell or possess gill, hoop, pound, seine or trap nets.

1946,
c. 33, s. 17,
subs. 2,
amended.

(2) Subsection 2 of the said section 17, as amended by section 5 of *The Game and Fisheries Amendment Act, 1948*, is further amended by striking out the words "or seine" in the first line and inserting in lieu thereof the words "seine or trap", so that the subsection shall read as follows:

Restricted
sale.

(2) No person shall sell a gill, hoop, pound, seine or trap net to any other person not a holder of a commercial fishing licence or a licence under subsection 1.

1946,
c. 33, s. 20,
subs. 2,
re-enacted.

7. Subsection 2 of section 20 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Employment
of guides.

(2) No person shall employ any other person for gain or reward or hope thereof as a guide unless such other person is the holder of a guide's licence.

1946, c. 33,
amended.

8. *The Game and Fisheries Act, 1946* is amended by adding thereto the following section:

Township
licence to
hunt
pheasants,
rabbits
and foxes.

22a. Where a township licensing system is in operation under clause *d* of section 72 no person shall hunt pheasants, rabbits or foxes in the township or on the lands controlled by the township organization, as the case may be, during the open season without a licence from the township or township organization.

1946, c. 33,
s. 23, cl. c,
subcls. i,
ii, iii,
re-enacted.

9.—(1) Subclauses i, ii and iii of clause *c* of section 23 of *The Game and Fisheries Act, 1946* are repealed and the following substituted therefor:

(i) to hunt bear, fox, game birds, rabbits, raccoon, squirrel and wolf.....\$15.00
and an issuing fee of......50

SECTION 5. Self-explanatory.

SECTION 6. Trap nets are added.

SECTION 7. The provision is re-drawn in order to prevent operators of tourist camps from employing unlicensed guides for the use of their guests.

SECTION 8. This provision is new. It is designed to make the enforcement of township licensing systems more effective.

SECTION 9—Subsection 1. Raccoon is added to the list of animals that non-residents may be licensed to hunt.

Subsection 2. These clauses are new.

SECTION 10—Subsection 1. Heretofore the fee in cities has been \$5.00 and in other municipalities, \$2.00. The distinction is removed.

Subsection 2. The fee which heretofore has been fixed by the regulations is now fixed by the Act.

SECTION 11—Subsection 1. At the present time the provision deals only with beaver skins and pelts. It is now extended to include the skins and pelts of fisher and marten.

Subsection 2. Under the present provision certain of these open seasons are fixed by legislation, or by regulation made by Order-in-Council or by ministerial regulation. Administration will be improved by having this authority in one source only.

(ii) to hunt deer, bear, fox, game birds, rabbits,
raccoon, squirrel and wolf.....\$25.00
and an issuing fee of..... .75

(iii) to hunt moose, deer, bear, fox, game birds,
rabbits, raccoon, squirrel and wolf..... 74.00
and an issuing fee of..... 1.00

(2) The said section 23, as amended by section 7 of *The 1946, c. 33, s. 23, amended.*
Game and Fisheries Amendment Act, 1948 and section 8 of
The Game and Fisheries Amendment Act, 1949, is further
amended by adding thereto the following clauses:

(e) to a resident to hunt raccoon, and the licence
fee shall be..... \$2.00

(f) for a dog used by or accompanying any person
while hunting raccoon, and the licence fee
shall be..... 1.00

10.—(1) Clause *a* of section 24 of *The Game and Fisheries 1946, c. 33, s. 24, cl. f, re-enacted.*
Act, 1946 is repealed and the following substituted therefor:

(a) to any person engaged in the business of cold
storage of game, and the fee shall be..... \$3.00

(2) Clause *f* of the said section 24 is repealed and the 1946, c. 33, s. 24, cl. f, re-enacted.
following substituted therefor:

(f) to owners or operators of tourist outfitters' camps,
and the fee shall be,

(i) for residents.....\$10.00
(ii) for non-residents..... 25.00

11.—(1) Subsection 1*a* of section 27 of *The Game and 1946, c. 33, s. 27, subs. 1*a* (1947, c. 40, s. 10), re-enacted.*
Fisheries Act, 1946, as enacted by section 10 of *The Game and*
Fisheries Amendment Act, 1947, is repealed and the following
substituted therefor:

(1*a*) The skins and pelts of beaver, fisher and marten Sealing and marking of skins and pelts.
shall be sealed or marked by an officer before sale,
and no fur dealer or buyer shall have unsealed or
unmarked beaver, fisher or marten skins or pelts
in his possession.

(2) Subsection 2 of the said section 27, as amended by 1946, c. 33, s. 27, subs. 2, re-enacted.
subsection 2 of section 9 of *The Game and Fisheries Amendment*
Act, 1948 and subsection 2 of section 10 of *The Game and*
Fisheries Amendment Act, 1949, is repealed and the following
substituted therefor:

Hunting,
trapping,
etc.

- (2) No person shall trap, hunt, take or kill, or possess the pelt or any part of any fisher, fox, lynx, marten, mink, musk-rat, otter, rabbit, raccoon or any black, gray or fox squirrel except in such localities and during such periods and subject to such terms and conditions as the Minister may prescribe.

1946,
c. 33, s. 28,
subs. 5,
re-enacted.

12.—(1) Subsection 5 of section 28 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Exception.

- (5) The Lieutenant-Governor in Council may make regulations designating the counties and townships in which subsections 1, 2, 3 and 4 shall not apply to deer.

1946,
c. 33, s. 28,
subs. 6,
amended.

(2) Subsection 6 of the said section 28 is amended by striking out the words "in the Counties of Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Oxford, Waterloo, Welland and York" in the second, third and fourth lines, so that the subsection shall read as follows:

Cotton-tail
rabbits.

- (6) No person shall take, kill or destroy more than six cotton-tail rabbits in any one day.

1946, c. 33,
s. 29, cl. d,
re-enacted.

13.—(1) Clause *d* of section 29 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Device for
casting rays.

- (*d*) during the close season for deer or moose, have in his possession between one-half hour after sunset and one-half hour before sunrise any device capable of throwing or casting rays of light upon an object, and any rifle or other fire-arm capable of killing deer or moose, unless the rifle or other fire-arm is unloaded and encased, or is dismantled.

1946, c. 33,
s. 29, cl. e,
amended.

(2) Clause *e* of the said section 29, as amended by subsection 2 of section 11 of *The Game and Fisheries Amendment Act, 1947* and subsection 1 of section 11 of *The Game and Fisheries Amendment Act, 1949*, is further amended by inserting after the word "Victoria" in the sixth line the word "Waterloo", so that the clause shall read as follows:

Snares
prohibited
in certain
counties.

- (*e*) use snares for any purpose in the Counties of Bruce, Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Grey, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Oxford, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria, Waterloo and York, provided that snares may be used for the taking of

SECTION 12—Subsection 1. Subsections 1, 2, 3 and 4 of section 28 of the Act place limitations on the number and sex of deer that may be taken. Subsection 5, as re-enacted, will enable the general provisions to be modified in designated counties and townships.

Subsection 2. The bag limit of six cotton-tails now applies in the Counties of Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Oxford, Waterloo, Welland and York. By the amendment it is made applicable throughout the Province.

SECTION 13—Subsection 1. The words "during the close season for deer or moose" are new. They are added in order to properly limit the application of the clause.

Subsection 2. The County of Waterloo is added at the request of the county council.

Subsection 3. The use of ferrets in hunting rabbits or game is prohibited.

Subsection 4. The permit system provided by the proposed subsection 2 is designed to ensure reasonable returns from trapping musk-rats in unusual circumstances.

The proposed subsection 3 will provide a means for salvaging musk-rats in over-populated areas or in areas where water levels are subject to drastic fluctuations and where otherwise the musk-rats would be lost due to freezing out or starvation.

SECTION 14. The words are deleted in order to bring the section into line with subsection 6 of section 28 of the Act—see note to subsection 2 of section 12 of the Bill. The effect will be to prohibit the sale, purchase or barter of cotton-tail rabbits throughout Ontario.

SECTION 15. The clause is re-enacted in order to allow raccoon hunting at night during the open season prescribed from time to time by the regulations.

SECTION 16. The words "at any one time" are struck out as being unduly restrictive and to bring the provision into line with the regulations made under the *Migratory Birds Convention Act* (Canada).

wolves in the Townships of Canonto and Palmerston in the County of Frontenac from the 1st day of December to the 30th day of April.

(3) Clause *h* of the said section 29 is repealed and the following substituted therefor 1946, c. 33,
s. 29, cl. *h*,
re-enacted.

(*h*) use ferrets in hunting rabbits or game. Ferrets.

(4) The said section 29, as amended by section 11 of *The Game and Fisheries Amendment Act, 1947* and section 11 of *The Game and Fisheries Amendment Act, 1949*, is further amended by adding thereto the following subsections: 1946,
c. 33, s. 29,
amended.

(2) Notwithstanding subsection 1, the Minister may issue a permit in writing to any person under which such person may place traps in musk-rat houses, burrows, feed-houses or push-ups during the open season for musk-rat. Traps in
musk-rat
houses, etc.

(3) Notwithstanding subsection 1, the holder of a trap-line licence, while trapping in his trap-line area, may open a musk-rat house, den or push-up for the purpose of setting traps therein during the open season for trapping musk-rats, and he shall properly close the opened house, den or push-up. Opening
musk-rat
houses, etc.,
to set
traps.

14. Section 41 of *The Game and Fisheries Act, 1946* is amended by striking out the word "any" in the second line and by striking out all the words after the word "rabbits" in the third line, so that the section shall read as follows: 1946,
c. 33, s. 41,
amended.

41. No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of cotton-tail rabbits. Cotton-tail
rabbits.

15. Clause *c* of section 43 of *The Game and Fisheries Act, 1946*, as enacted by section 13 of *The Game and Fisheries Amendment Act, 1949*, is repealed and the following substituted therefor: 1946, c. 33,
s. 43, cl. *c*
(1949,
c. 37, s. 13),
re-enacted.

(*c*) discharge any air-gun, gun, rifle or fire-arm between one-half hour after sunset and one-half hour before sunrise from midnight Sunday until midnight Saturday in any week except under a licence for the purpose of hunting, shooting, taking, killing or possessing raccoon during the open season therefor when accompanied by a dog or dogs licensed therefor.

16. Subsection 1 of section 46 of *The Game and Fisheries Act, 1946*, as amended by section 14 of *The Game and Fisheries* 1946,
c. 33, s. 46,
subs. 1,
amended.

Amendment Act, 1949, is further amended by striking out the words "at any one time" in the amendment of 1949, so that the subsection shall read as follows:

Export of
game by
non-
residents.

- (1) No non-resident entitled to hunt under a licence shall export in any one open season more game actually and lawfully killed by him than one deer, one bull moose, all bears or their skins and other species of game in the number authorized to be possessed by the regulations made under this Act or under the *Migratory Birds Convention Act* (Canada).

R.S.C.,
c. 130.

1946,
c. 33, s. 47,
repealed.

17. Section 47 of *The Game and Fisheries Act, 1946* is repealed.

1946,
c. 33, s. 57,
subs. 1,
cl. c
(1948,
c. 35, s. 15),
re-enacted.

18.—(1) Clause *c* of subsection 1 of section 57 of *The Game and Fisheries Act, 1946*, as re-enacted by section 15 of *The Game and Fisheries Amendment Act, 1948*, is repealed and the following substituted therefor:

Certain
employees
not to carry
fire-arms.

- (c) being engaged in cutting timber for any purpose or in any mining operation or in the construction or maintenance of any railway or public work, possess, during any close season for deer or moose any gun or other fire-arm, or at any time any poison, snare or trap, in the vicinity of the timber or mining operation, railway or public work, as the case may be, or in or in the vicinity of any dwelling place or structure used in connection therewith unless authorized by the Minister, but this clause shall not apply to any farmer who does not afford living accommodation to persons engaged in cutting timber or in mining operations or in the construction or maintenance of a railway or public work;

Idem.

- (cc) being employed by a railway company, possess any gun or other fire-arm, poison, snare or trap on a railway velocipede or hand-car.

1946,
c. 33, s. 57,
subs. 1,
cl. d, re-
enacted.

(2) Clause *d* of subsection 1 of the said section 57 is repealed and the following substituted therefor:

Crown
lands.

- (d) on Crown lands in any Crown game preserve, possess any game, or possess or use any fire-arm, trap or snare or any other instrument for hunting, trapping, catching or killing any bird or animal except as permitted by this Act.

1946, c. 33,
amended.

(3) The said section 57, as amended by section 15 of *The Game and Fisheries Amendment Act, 1948* and section 17 of *The Game and Fisheries Amendment Act, 1949*, is further amended by adding thereto the following subsection:

SECTION 17. The section repealed reads as follows:

47. No lease or conveyance having for its principal purpose or one of its principal purposes the granting of the exclusive rights to any person to hunt game on any property shall be valid unless the lease or conveyance has been submitted to and approved in writing by the Minister.

This provision is considered to be unduly restrictive and serves an unimportant part in game conservation.

SECTION 18—Subsection 1. The present clause *c* is re-enacted as two clauses in order to clarify the intent and to make the enforcement more practicable.

Subsection 2. The part of this clause that prohibits the possession of game on Crown lands in Crown game preserves is new.

Subsection 3. This subsection is new and will authorize the Minister to authorize the possession of guns, etc., in the vicinity of timber and mining operations, public works, etc.

Subsection 4. This provision will enable persons engaged in timber or mining operations, etc., under clause c of subsection 1 of section 57 of the Act to possess fire-arms, etc., during the open season for deer and moose if they are licensed to hunt deer and moose, without committing an offence under clause c of subsection 1 of section 57.

SECTION 19. The posting provisions of the present Act are little used and when used result in little benefit to the owner and frequently cause confusion in the minds of owners, enforcement officers and the public. These provisions are therefore repealed.

Under the section as amended three specific offences are mentioned—trespassing on growing crops (subsection 1), trespassing on experimental fur-farms, etc. (subsection 2), and tearing down departmental notices and signs (subsection 3).

SECTION 20. The subsection as re-enacted is simplified and provision is made to permit the shipping of game birds at any time during the year in which they are taken as it is impossible to have the shipping coupons printed with any other date in time for distribution.

SECTION 21: Subsections 1, 2: These amendments increase the penalties for offences with respect to mink to the level of those now applicable to musk-rat.

- (2) The Minister may authorize any person within the meaning of clause *c* of subsection 1 to possess any gun or other fire-arm, poison, snare or trap. Possession of guns, etc., under subs. 1, cl. *c* may be authorized.
- (4) Subsection 3 of the said section 57 is repealed and the following substituted therefor: 1946, c. 33, s. 57, subs. 3, re-enacted.
- (3) Clause *c* of subsection 1 shall not apply during the open season for deer or moose to any person who is licensed to hunt deer or moose. Application of subs. 1, cl. *c*.

19. Subsections 2 and 3, subsection 4 as amended by section 13 of *The Game and Fisheries Amendment Act, 1947*, and subsection 5, 6 and 7 of section 58 of *The Game and Fisheries Act, 1946* are repealed and the following substituted therefor: 1946, c. 33, s. 58, subs. 2, 3, re-enacted; subs. 4-7, repealed.

- (2) No person shall trespass upon, or without authority enter upon the lands owned by the Crown that are designated as experimental fur-farms, bird-farms or trout-rearing stations, or climb over, break or cut through the fences surrounding such lands for the purpose of entering upon them. Trespassing on experimental fur-farms, etc.
- (3) No person shall tear down, remove, injure, deface or interfere with any notice or sign put up, posted or placed by the Department. Destruction, etc., of departmental notices.

20. Subsection 1 of section 61 of *The Game and Fisheries Act, 1946*, as re-enacted by subsection 1 of section 16 of *The Game and Fisheries Amendment Act, 1948*, is repealed and the following substituted therefor: 1946, c. 33, s. 61, subs. 1 (1948, c. 35, s. 16, subs. 1), re-enacted.

- (1) There shall be issued with every hunting licence one or more shipping coupons or seals with which any game taken under the licence may be shipped during the open season for the game or within four days thereafter, provided that game birds may be so shipped at any time within the then current year. Shipping coupons and seals.

21.—(1) Clause *f* of subsection 1 of section 70 of *The Game and Fisheries Act, 1946*, as re-enacted by subsection 2 of section 20 of *The Game and Fisheries Amendment Act, 1949*, is repealed and the following substituted therefor: 1946, c. 33, s. 70, subs. 1, cl. *f* (1949, c. 37, s. 20, subs. 2), re-enacted.

- (*f*) mink or musk-rat or their pelts, shall incur a penalty of not less than \$5 and not more than \$25 for each mink, musk-rat or pelt the subject of the prosecution; or Mink or musk-rat.

1946, c. 33, s. 70, subs. 1, cl. *g* (1949, c. 37, s. 20, subs. 2), amended. (2) Clause *g* of subsection 1 of the said section 70, as enacted by subsection 2 of section 20 of *The Game and Fisheries Amendment Act, 1949*, is amended by inserting after the word "marten" in the second line the word "mink", so that the clause shall read as follows:

Fur-bearing animals — exception. (g) any fur-bearing animal upon which a royalty is levied under section 25 other than beaver, fisher, marten, mink, musk-rat or otter, shall incur a penalty of not less than \$1 and not more than \$20 for each animal or pelt the subject of the prosecution.

1946, c. 33, s. 70, subs. 4, amended. (3) Subsection 4 of the said section 70 is amended by inserting after the word "provisions" in the first and second lines the words "of subsection 2 of section 8*b* or", so that the subsection shall read as follows:

Fire-arms on Crown game preserves. (4) A person who commits an offence against the provisions of subsection 2 of section 8*b* or of clause *d* of subsection 1 of section 57, shall incur a penalty of not less than \$50 and not more than \$500.

1946, c. 33, s. 70, subs. 6, amended. (4) Subsection 6 of the said section 70 is amended by striking out the word and figure "subsection 5" in the second line and inserting in lieu thereof the word and figure "subsection 2", so that the subsection shall read as follows:

Trespass on Crown property. (6) A person who commits an offence against the provisions of subsection 2 of section 58 shall incur a penalty of not less than \$100 and not more than \$500.

1946, c. 33, s. 72, cl. *dd* (1947, c. 40, s. 15), amended. **22.**—(1) Clause *dd* of section 72 of *The Game and Fisheries Act, 1946*, as enacted by section 15 of *The Game and Fisheries Amendment Act, 1947* and amended by subsection 2 of section 20 of *The Game and Fisheries Amendment Act, 1948*, is further amended by striking out the words "designated by the Minister" in the first and second lines, so that the clause will read as follows:

(*dd*) authorizing the council of any county to declare open seasons for the hunting of foxes at any time from the 1st day of March to the 31st day of October in any year.

1946, c. 33, s. 72, cl. *gg* (1947, c. 40, s. 15), amended. (2) Clause *gg* of the said section 72, as enacted by section 15 of *The Game and Fisheries Amendment Act, 1947*, is amended by inserting after the word "parks" in the third line the words "providing for and regulating the possession or use of traps, fire-arms, explosives or weapons in provincial parks", so that the clause shall read as follows:

Subsection 3. The words added provide a specific penalty for persons illegally in possession of guns, etc., in provincial parks similar to the penalty for similar offences on Crown game preserves—see section 3 of this Bill.

Subsection 4. What was subsection 5 of section 58 of the Act is now subsection 2 of section 58—see note to section 19 of this Bill.

SECTION 22—Subsection 1. The effect of the deletion of the words “designated by the Minister” will be that the council of any county may declare an open season for foxes provided such open seasons are authorized by a regulation made by the Lieutenant-Governor in Council.

Subsection 2. See section 3 of this Bill.

(gg) prescribing the conditions under which birds, fur-bearing animals and game may be taken or killed in provincial parks, providing for and regulating the possession or use of traps, fire-arms, explosives or weapons in provincial parks, and prohibiting the use of motor boats for trolling in provincial parks.

23. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

24. This Act may be cited as *The Game and Fisheries Amendment Act, 1950*. Short title.

BILL

An Act to amend The Game and Fisheries Act, 1946.

1st Reading

March 1st, 1950

2nd Reading

3rd Reading

Mr. Scott (Peterborough)

No. 84

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Game and Fisheries Act, 1946.

MR. SCOTT (Peterborough)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 84

1950

BILL

An Act to amend The Game and Fisheries Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *p* of section 1 of *The Game and Fisheries Act*, 1946, is repealed and the following substituted therefor: 1946, c. 33, s. 1, cl. *p*, re-enacted.

(*p*) "officer" shall mean any member of the Ontario Provincial Police Force, any game and fishery warden and any other person authorized to enforce this Act.

2. Subsection 2 of section 5 of *The Game and Fisheries Act*, 1946 is repealed. 1946, c. 33, s. 5, subs. 2, repealed.

3. Subsection 2 of section 8*b* of *The Game and Fisheries Act*, 1946, as enacted by section 5 of *The Game and Fisheries Amendment Act*, 1947, is amended by striking out the word "carry" in the second line and inserting in lieu thereof the word "possess" and by striking out the words "any other weapon or instrument for hunting, taking, molesting, wounding, trapping, killing or destroying any bird, fur-bearing animal or game" in the third, fourth, fifth and sixth lines and inserting in lieu thereof the word "weapon", so that the subsection shall read as follows: 1946, c. 33, s. 8*b*, subs. 2 (1947, c. 40, s. 5), amended.

(2) Except as provided in the regulations, no person shall possess or use, within the limits of a provincial park, any trap, fire-arm, explosive or weapon. Weapons, etc., in provincial parks.

4. Section 9 of *The Game and Fisheries Act*, 1946, as amended by section 3 of *The Game and Fisheries Amendment Act*, 1948, is further amended by adding at the end thereof the words "or carry or use any fire-arm or air-gun in any place frequented by game", so that the section shall read as follows: 1946, c. 33, s. 9, amended.

9. Except under a licence no non-resident shall hunt, take, molest, wound, trap, kill or destroy or attempt to hunt, take, molest, wound, trap, kill or destroy any animal or bird or carry or use any fire-arm or air-gun in any place frequented by game. Non-residents.

1946,
c. 33, s. 10,
subs. 4,
amended.

5. Subsection 4 of section 10 of *The Game and Fisheries Act, 1946* is amended by striking out the words "other than a trapper's licence" in the second line, so that the subsection shall read as follows:

Minors.

(4) Except as prescribed by the regulations no licence shall be issued to any person under the age of sixteen years.

1946,
c. 33, s. 17,
subs. 1,
amended.

6.—(1) Subsection 1 of section 17 of *The Game and Fisheries Act, 1946* is amended by striking out the words "or seine" in the second line and inserting in lieu thereof the words "seine or trap", so that the subsection shall read as follows:

Fish nets.

(1) Except under a licence no person shall buy, sell or possess gill, hoop, pound, seine or trap nets.

1946,
c. 33, s. 17,
subs. 2,
amended.

(2) Subsection 2 of the said section 17, as amended by section 5 of *The Game and Fisheries Amendment Act, 1948*, is further amended by striking out the words "or seine" in the first line and inserting in lieu thereof the words "seine or trap", so that the subsection shall read as follows:

Restricted
sale.

(2) No person shall sell a gill, hoop, pound, seine or trap net to any other person not a holder of a commercial fishing licence or a licence under subsection 1.

1946,
c. 33, s. 20,
subs. 2,
re-enacted.

7. Subsection 2 of section 20 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Employment
of guides.

(2) No person shall employ any other person for gain or reward or hope thereof as a guide unless such other person is the holder of a guide's licence.

1946, c. 33,
amended.

8. *The Game and Fisheries Act, 1946* is amended by adding thereto the following section:

Township
licence to
hunt
pheasants,
rabbits
and foxes.

22a. Where a township licensing system is in operation under clause *d* of section 72 no person shall hunt pheasants, rabbits or foxes in the township or on the lands controlled by the township organization, as the case may be, during the open season without a licence from the township or township organization.

1946, c. 33,
s. 23, cl. c,
subcls. i,
ii, iii,
re-enacted.

9.—(1) Subclauses i, ii and iii of clause *c* of section 23 of *The Game and Fisheries Act, 1946* are repealed and the following substituted therefor:

(i) to hunt bear, fox, game birds, rabbits, rac-
coon, squirrel and wolf.....\$15.00
and an issuing fee of..... .50

(ii) to hunt deer, bear, fox, game birds, rabbits,
 raccoon, squirrel and wolf.....\$25.00
 and an issuing fee of..... .75

(iii) to hunt moose, deer, bear, fox, game birds,
 rabbits, raccoon, squirrel and wolf..... 74.00
 and an issuing fee of..... 1.00

(2) The said section 23, as amended by section 7 of *The 1946, c. 33, s. 23, amended.*
Game and Fisheries Amendment Act, 1948 and section 8 of
The Game and Fisheries Amendment Act, 1949, is further
 amended by adding thereto the following clauses:

(e) to a resident to hunt raccoon, and the licence
 fee shall be..... \$2.00

(f) for a dog used by or accompanying any person
 while hunting raccoon, and the licence fee
 shall be..... 1.00

10.—(1) Clause *a* of section 24 of *The Game and Fisheries 1946, c. 33, s. 24, cl. a, re-enacted.*
Act, 1946 is repealed and the following substituted therefor:

(a) to any person engaged in the business of cold
 storage of game, and the fee shall be..... \$3.00

(2) Clause *f* of the said section 24 is repealed and the 1946, c. 33, s. 24, cl. f, re-enacted.
 following substituted therefor:

(f) to owners or operators of tourist outfitters' camps,
 and the fee shall be,

(i) for residents.....\$10.00
 (ii) for non-residents..... 25.00

11.—(1) Subsection 1*a* of section 27 of *The Game and 1946, c. 33, s. 27, subs. 1a, (1947, c. 40, s. 10), re-enacted.*
Fisheries Act, 1946, as enacted by section 10 of *The Game and*
Fisheries Amendment Act, 1947, is repealed and the following
 substituted therefor:

(1*a*) The skins and pelts of beaver, fisher and marten Sealing and marking of skins and pelts.
 shall be sealed or marked by an officer before sale,
 and no fur dealer or buyer shall have unsealed or
 unmarked beaver, fisher or marten skins or pelts
 in his possession.

(2) Subsection 2 of the said section 27, as amended by 1946, c. 33, s. 27, subs. 2, re-enacted.
 subsection 2 of section 9 of *The Game and Fisheries Amendment*
Act, 1948 and subsection 2 of section 10 of *The Game and*
Fisheries Amendment Act, 1949, is repealed and the following
 substituted therefor:

Hunting,
trapping,
etc.

- (2) No person shall trap, hunt, take or kill, or possess the pelt or any part of any fisher, fox, lynx, marten, mink, musk-rat, otter, rabbit, raccoon or any black, gray or fox squirrel except in such localities and during such periods and subject to such terms and conditions as the Minister may prescribe.

1946,
c. 33, s. 28,
subs. 5,
re-enacted.

12.—(1) Subsection 5 of section 28 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Exception.

- (5) The Lieutenant-Governor in Council may make regulations designating the counties and townships in which subsections 1, 2, 3 and 4 shall not apply to deer.

1946,
c. 33, s. 28,
subs. 6,
amended.

(2) Subsection 6 of the said section 28 is amended by striking out the words "in the Counties of Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Oxford, Waterloo, Welland and York" in the second, third and fourth lines, so that the subsection shall read as follows:

Cotton-tail
rabbits.

- (6) No person shall take, kill or destroy more than six cotton-tail rabbits in any one day.

1946, c. 33,
s. 29, cl. *d*,
re-enacted.

13.—(1) Clause *d* of section 29 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Device for
casting rays.

- (*d*) during the close season for deer or moose, have in his possession between one-half hour after sunset and one-half hour before sunrise any device capable of throwing or casting rays of light upon an object, and any rifle or other fire-arm capable of killing deer or moose, unless the rifle or other fire-arm is unloaded and encased, or is dismantled.

1946, c. 33,
s. 29, cl. *e*,
amended.

(2) Clause *e* of the said section 29, as amended by subsection 2 of section 11 of *The Game and Fisheries Amendment Act, 1947* and subsection 1 of section 11 of *The Game and Fisheries Amendment Act, 1949*, is further amended by inserting after the word "Victoria" in the sixth line the word "Waterloo", so that the clause shall read as follows:

Snares
prohibited
in certain
counties.

- (*e*) use snares for any purpose in the Counties of Bruce, Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Grey, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Oxford, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria, Waterloo and York, provided that snares may be used for the taking of

wolves in the Townships of Canonto and Palmerston in the County of Frontenac from the 1st day of December to the 30th day of April.

(3) Clause *h* of the said section 29 is repealed and the following substituted therefor 1946, c. 33,
s. 29, cl. *h*,
re-enacted.

(*h*) use ferrets in hunting rabbits or game. Ferrets.

(4) The said section 29, as amended by section 11 of *The Game and Fisheries Amendment Act, 1947* and section 11 of *The Game and Fisheries Amendment Act, 1949*, is further amended by adding thereto the following subsections: 1946,
c. 33, s. 29,
amended.

(2) Notwithstanding subsection 1, the Minister may issue a permit in writing to any person under which such person may place traps in musk-rat houses, burrows, feed-houses or push-ups during the open season for musk-rat. Traps in
musk-rat
houses, etc.

(3) Notwithstanding subsection 1, the holder of a trap-line licence, while trapping in his trap-line area, may open a musk-rat house, den or push-up for the purpose of setting traps therein during the open season for trapping musk-rats, and he shall properly close the opened house, den or push-up. Opening
musk-rat
houses, etc.,
to set
traps.

14. Section 41 of *The Game and Fisheries Act, 1946* is amended by striking out the word "any" in the second line and by striking out all the words after the word "rabbits" in the third line, so that the section shall read as follows: 1946,
c. 33, s. 41,
amended.

41. No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of cotton-tail rabbits. Cotton-tail
rabbits.

15. Clause *c* of section 43 of *The Game and Fisheries Act, 1946*, as enacted by section 13 of *The Game and Fisheries Amendment Act, 1949*, is repealed and the following substituted therefor: 1946, c. 33,
s. 43, cl. *c*
(1949,
c. 37, s. 13),
re-enacted.

(*c*) discharge any air-gun, gun, rifle or fire-arm between one-half hour after sunset and one-half hour before sunrise from midnight Sunday until midnight Saturday in any week except under a licence for the purpose of hunting, shooting, taking, killing or possessing raccoon during the open season therefor when accompanied by a dog or dogs licensed therefor.

16. Subsection 1 of section 46 of *The Game and Fisheries Act, 1946*, as amended by section 14 of *The Game and Fisheries* 1946,
c. 33, s. 46,
subs. 1,
amended.

Amendment Act, 1949, is further amended by striking out the words "at any one time" in the amendment of 1949, so that the subsection shall read as follows:

Export of
game by
non-
residents.

- (1) No non-resident entitled to hunt under a licence shall export in any one open season more game actually and lawfully killed by him than one deer, one bull moose, all bears or their skins and other species of game in the number authorized to be possessed by the regulations made under this Act or under the *Migratory Birds Convention Act* (Canada).

R.S.C.,
c. 130.

1946,
c. 33, s. 47,
repealed.

17. Section 47 of *The Game and Fisheries Act, 1946* is repealed.

1946,
c. 33, s. 57,
subs. 1,
cl. c
(1948,
c. 35, s. 15),
re-enacted.

18.—(1) Clause *c* of subsection 1 of section 57 of *The Game and Fisheries Act, 1946*, as re-enacted by section 15 of *The Game and Fisheries Amendment Act, 1948*, is repealed and the following substituted therefor:

Certain
employees
not to carry
fire-arms.

- (c) being engaged in cutting timber for any purpose or in any mining operation or in the construction or maintenance of any railway or public work, possess, during any close season for deer or moose any gun or other fire-arm, or at any time any poison, snare or trap, in the vicinity of the timber or mining operation, railway or public work, as the case may be, or in or in the vicinity of any dwelling place or structure used in connection therewith unless authorized by the Minister, but this clause shall not apply to any farmer who does not afford living accommodation to persons engaged in cutting timber or in mining operations or in the construction or maintenance of a railway or public work;

Idem.

- (cc) being employed by a railway company, possess any gun or other fire-arm, poison, snare or trap on a railway velocipede or hand-car.

1946,
c. 33, s. 57,
subs. 1,
cl. d, re-
enacted.

(2) Clause *d* of subsection 1 of the said section 57 is repealed and the following substituted therefor:

Crown
lands.

- (d) on Crown lands in any Crown game preserve, possess any game, or possess or use any fire-arm, trap or snare or any other instrument for hunting, trapping, catching or killing any bird or animal except as permitted by this Act.

1946, c. 33,
amended.

(3) The said section 57, as amended by section 15 of *The Game and Fisheries Amendment Act, 1948* and section 17 of *The Game and Fisheries Amendment Act, 1949*, is further amended by adding thereto the following subsection:

- (2) The Minister may authorize any person within the meaning of clause *c* of subsection 1 to possess any gun or other fire-arm, poison, snare or trap. Possession of guns, etc., under subs. 1, cl. *c* may be authorized.
- (4) Subsection 3 of the said section 57 is repealed and the following substituted therefor: 1946, c. 33, s. 57, subs. 3, re-enacted.
- (3) Clause *c* of subsection 1 shall not apply during the open season for deer or moose to any person who is licensed to hunt deer or moose. Application of subs. 1, cl. *c*.
- 19.** Subsections 2 and 3, subsection 4 as amended by section 13 of *The Game and Fisheries Amendment Act, 1947*, and subsection 5, 6 and 7 of section 58 of *The Game and Fisheries Act, 1946* are repealed and the following substituted therefor: 1946, c. 33, s. 58, subs. 2, 3, re-enacted; subs. 4-7, repealed.
- (2) No person shall trespass upon, or without authority enter upon the lands owned by the Crown that are designated as experimental fur-farms, bird-farms or trout-rearing stations, or climb over, break or cut through the fences surrounding such lands for the purpose of entering upon them. Trespassing on experimental fur-farms, etc.
- (3) No person shall tear down, remove, injure, deface or interfere with any notice or sign put up, posted or placed by the Department. Destruction, etc., of departmental notices.
- 20.** Subsection 1 of section 61 of *The Game and Fisheries Act, 1946*, as re-enacted by subsection 1 of section 16 of *The Game and Fisheries Amendment Act, 1948*, is repealed and the following substituted therefor: 1946, c. 33, s. 61, subs. 1 (1948, c. 35, s. 16, subs. 1), re-enacted.
- (1) There shall be issued with every hunting licence one or more shipping coupons or seals with which any game taken under the licence may be shipped during the open season for the game or within four days thereafter, provided that game birds may be so shipped at any time within the then current year. Shipping coupons and seals.
- 21.—**(1) Clause *f* of subsection 1 of section 70 of *The Game and Fisheries Act, 1946*, as re-enacted by subsection 2 of section 20 of *The Game and Fisheries Amendment Act, 1949*, is repealed and the following substituted therefor: 1946, c. 33, s. 70, subs. 1, cl. *f* (1949, c. 37, s. 20, subs. 2), re-enacted.
- (f) mink or musk-rat or their pelts, shall incur a penalty of not less than \$5 and not more than \$25 for each mink, musk-rat or pelt the subject of the prosecution; or Mink or musk-rat.
-

1946,
c. 33, s. 70,
subs. 1, cl. g
(1949,
c. 37, s. 20,
subs. 2),
amended.

(2) Clause g of subsection 1 of the said section 70, as enacted by subsection 2 of section 20 of *The Game and Fisheries Amendment Act, 1949*, is amended by inserting after the word "marten" in the second line the word "mink", so that the clause shall read as follows:

Fur-bearing
animals —
exception.

(g) any fur-bearing animal upon which a royalty is levied under section 25 other than beaver, fisher, marten, mink, musk-rat or otter, shall incur a penalty of not less than \$1 and not more than \$20 for each animal or pelt the subject of the prosecution.

1946,
c. 33, s. 70,
subs. 4,
amended.

(3) Subsection 4 of the said section 70 is amended by inserting after the word "provisions" in the first and second lines the words "of subsection 2 of section 8b or", so that the subsection shall read as follows:

Fire-arms
on Crown
game pre-
serves.

(4) A person who commits an offence against the provisions of subsection 2 of section 8b or of clause d of subsection 1 of section 57, shall incur a penalty of not less than \$50 and not more than \$500.

1946,
c. 33, s. 70,
subs. 6,
amended.

(4) Subsection 6 of the said section 70 is amended by striking out the word and figure "subsection 5" in the second line and inserting in lieu thereof the word and figure "subsection 2", so that the subsection shall read as follows:

Trespass
on Crown
property.

(6) A person who commits an offence against the provisions of subsection 2 of section 58 shall incur a penalty of not less than \$100 and not more than \$500.

1946, c. 33,
s. 72, cl. dd
(1947,
c. 40, s. 15),
amended.

22.—(1) Clause dd of section 72 of *The Game and Fisheries Act, 1946*, as enacted by section 15 of *The Game and Fisheries Amendment Act, 1947* and amended by subsection 2 of section 20 of *The Game and Fisheries Amendment Act, 1948*, is further amended by striking out the words "designated by the Minister" in the first and second lines, so that the clause will read as follows:

(dd) authorizing the council of any county to declare open seasons for the hunting of foxes at any time from the 1st day of March to the 31st day of October in any year.

1946, c. 33,
s. 72, cl. gg
(1947,
c. 40, s. 15),
amended.

(2) Clause gg of the said section 72, as enacted by section 15 of *The Game and Fisheries Amendment Act, 1947*, is amended by inserting after the word "parks" in the third line the words "providing for and regulating the possession or use of traps, fire-arms, explosives or weapons in provincial parks", so that the clause shall read as follows:

(gg) prescribing the conditions under which birds, fur-bearing animals and game may be taken or killed in provincial parks, providing for and regulating the possession or use of traps, fire-arms, explosives or weapons in provincial parks, and prohibiting the use of motor boats for trolling in provincial parks.

23. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

24. This Act may be cited as *The Game and Fisheries Amendment Act, 1950*. Short title.

BILL

An Act to amend The Game and Fisheries Act, 1946.

1st Reading

March 1st, 1950

2nd Reading

March 8th, 1950

3rd Reading

March 13th, 1950

MR. SCOTT (Peterborough)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Agricultural Societies Act, 1939.

MR. KENNEDY

EXPLANATORY NOTE

The new section 25*a* provides that grants may be made to a society for capital improvement out of such moneys as may be appropriated by the Legislature for the purpose. The section also limits the amount of any such grant. The amendment to section 1 is complementary to the new section.

No. 85

1950

BILL

An Act to amend The Agricultural Societies Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The Agricultural Societies Act, 1939*, as amended by section 3 of *The Statute Law Amendment Act, 1943*, is further amended by striking out the word and figures "section 25" in the third line and inserting in lieu thereof the words, figures and letter "sections 25 and 25a", so that the subsection, exclusive of the clauses, shall read as follows: 1939, c. 1, s. 24, subs. 1, amended.

- (1) Such moneys as may be appropriated by the Legislature for the purposes of grants under this Act, except the moneys appropriated under sections 25 and 25a, shall be subject to division among the societies according to the following plan,— Division of provincial grant.

.

2. *The Agricultural Societies Act 1939*, is amended by adding thereto the following section: 1939, c. 1, amended.

25a.—(1) The Minister may make an annual grant to any society on account of capital expenditure out of such moneys as may be appropriated by the Legislature for the purpose. Grants on account of capital expenditure.

- (2) The amount of an annual grant under subsection 1 shall not exceed,— Limitation of annual grant.

(a) one-third of the amount of the capital expenditure; or

(b) the amount of the grants received from municipalities on account of the capital expenditure; or

(c) the amount of the grant received from the Government of Canada on account of the capital expenditure.

Short title. **3.** This Act may be cited as *The Agricultural Societies Amendment Act, 1950*.

BILL

An Act to amend The Agricultural Societies Act, 1939.

1st Reading

March 3rd, 1950

2nd Reading

3rd Reading

MR. KENNEDY

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Agricultural Societies Act, 1939.

MR. KENNEDY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 85

1950

BILL

An Act to amend The Agricultural Societies Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The Agricultural Societies Act, 1939*, as amended by section 3 of *The Statute Law Amendment Act, 1943*, is further amended by striking out the word and figures "section 25" in the third line and inserting in lieu thereof the words, figures and letter "sections 25 and 25a", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) Such moneys as may be appropriated by the Legislature for the purposes of grants under this Act, except the moneys appropriated under sections 25 and 25a, shall be subject to division among the societies according to the following plan,—

.

2. *The Agricultural Societies Act 1939*, is amended by adding thereto the following section: 1939, c. 1, amended.

25a.—(1) The Minister may make an annual grant to any society on account of capital expenditure out of such moneys as may be appropriated by the Legislature for the purpose. Grants on account of capital expenditure.

- (2) The amount of an annual grant under subsection 1 shall not exceed,— Limitation of annual grant.

(a) one-third of the amount of the capital expenditure; or

(b) the amount of the grants received from municipalities on account of the capital expenditure; or

- (c) the amount of the grant received from the Government of Canada on account of the capital expenditure.

Short title. **3.** This Act may be cited as *The Agricultural Societies Amendment Act, 1950*.

BILL

An Act to amend The Agricultural
Societies Act, 1939.

1st Reading

March 3rd, 1950

2nd Reading

March 6th, 1950

3rd Reading

March 13th, 1950

MR. KENNEDY

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Milk Control Act, 1948.

MR. KENNEDY

EXPLANATORY NOTES

SECTION 1. The procedure upon application for the establishment of milk marketing agencies is changed. Hereafter a poll of the producers supplying the market must be taken and at least sixty-six per centum of such producers must favour the application before the Board can recommend to the Lieutenant-Governor in Council that the application is granted.

SECTION 2. Under section 12 the Minister may, upon the application of an association of producers supplying milk to a market and if he is of opinion that the association represents seventy-five per centum of such producers, require them to pay licence fees to make up a fund from which to pay the expenses of the association.

Under the amendment the association must represent at least sixty-six per centum of the producers supplying the market instead of seventy-five per centum.

BILL

An Act to amend The Milk Control Act, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 6 of *The Milk Control Act, 1948* ^{1948, c. 55, s. 6, subs. 2, amended.} is amended by striking out the words "examine the application and if it is of opinion that at least seventy-five" in the second and third lines and inserting in lieu thereof the words "take a poll by mail of the producers supplying the market as to whether or not they support the application and if the result of the poll in the opinion of the Board is that at least sixty-six", so that the subsection shall read as follows:

(2) The application may be referred to the Board and thereupon it shall be the duty of the Board to take a poll by mail of the producers supplying the market as to whether or not they support the application and if the result of the poll in the opinion of the Board is that at least sixty-six per centum of the producers supplying the market support the application, it may recommend to the Lieutenant-Governor in Council that it be granted. ^{Reference to Board.}

2. Subsection 1 of section 12 of *The Milk Control Act, 1948* ^{1948, c. 55, s. 12, subs. 1, amended.} is amended by striking out the word "seventy-five" in the ninth line and inserting in lieu thereof the word "sixty-six", so that the subsection, exclusive of the clauses, shall read as follows:

(1) When the Minister receives from an association of milk producers who are engaged in supplying milk to processors or distributors in a market a petition asking that for the purpose of defraying the expenses of such association every producer engaged in supplying milk to processors or distributors in such market be required to pay licence fees, the Minister, subject to the approval of the Lieutenant-Governor in Council, may, if he is of the opinion that such associa- ^{Establishment of fund for producers' associations.}

tion represents at least sixty-six per centum of the producers so engaged, make an order,—

.

1948,
c. 55,
amended.

3. *The Milk Control Act, 1948* is amended by adding thereto the following section:

Distributors'
licences
may restrict
area of
distribution.

13a.—(1) Any licence issued under this Act to a distributor may specify one or more distribution areas.

Prohibition.

(2) Where one or more distribution areas are specified in a licence, the distributor to whom it is issued shall not distribute milk in any area other than the area or areas so specified.

1948,
c. 55, s. 14,
subs. 1,
cl. *aa*
(1949,
c. 57, s. 5,
subs. 1),
re-enacted.

4.—(1) Clause *aa* of subsection 1 of section 14 of *The Milk Control Act, 1948*, as enacted by subsection 1 of section 5 of *The Milk Control Amendment Act, 1949*, is repealed and the following substituted therefor:

(*aa*) defining areas and designating them as distribution areas.

1948,
c. 55, s. 14,
subs. 1, cl. *a*,
re-enacted.

(2) Clause *q* of subsection 1 of the said section 14 is repealed and the following substituted therefor:

(*q*) prescribing the books and records that shall be kept by licensees under this Act and providing for the inspection of such books and records by auditors appointed by the Board.

Short title.

5. This Act may be cited as *The Milk Control Amendment Act, 1950*.

SECTION 3. This section is new and is designed to control the distribution of milk in competitive areas and thus prevent inter-market disputes.

SECTION 4—Subsection 1. The power to make regulations in the respect mentioned is complementary to section 3 of this Bill—see explanatory note to section 3.

Subsection 2. Clause *g* as re-enacted will enable the Board to make regulations providing for the inspection of the books and records of licensed producers, processors and distributors by an independent auditor.

BILL

An Act to amend The Milk Control Act,
1948.

1st Reading

March 3rd, 1950

2nd Reading

3rd Reading

MR. KENNEDY

No. 86

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Milk Control Act, 1948.

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Milk Control Act, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 6 of *The Milk Control Act, 1948* is amended by striking out the words "examine the application and if it is of opinion that at least seventy-five" in the second and third lines and inserting in lieu thereof the words "take a poll by mail of the producers supplying the market as to whether or not they support the application and if the result of the poll in the opinion of the Board is that at least sixty-six", so that the subsection shall read as follows:

1948,
c. 55, s. 6,
subs. 2,
amended.

- (2) The application may be referred to the Board and thereupon it shall be the duty of the Board to take a poll by mail of the producers supplying the market as to whether or not they support the application and if the result of the poll in the opinion of the Board is that at least sixty-six per centum of the producers supplying the market support the application, it may recommend to the Lieutenant-Governor in Council that it be granted.

Reference
to Board.

2. Subsection 1 of section 12 of *The Milk Control Act, 1948* is amended by striking out the word "seventy-five" in the ninth line and inserting in lieu thereof the word "sixty-six", so that the subsection, exclusive of the clauses, shall read as follows:

1948,
c. 55, s. 12,
subs. 1,
amended.

- (1) When the Minister receives from an association of milk producers who are engaged in supplying milk to processors or distributors in a market a petition asking that for the purpose of defraying the expenses of such association every producer engaged in supplying milk to processors or distributors in such market be required to pay licence fees, the Minister, subject to the approval of the Lieutenant-Governor in Council, may, if he is of the opinion that such associa-

Establish-
ment of
fund for
producers'
associations.

tion represents at least sixty-six per centum of the producers so engaged, make an order,—

.

1948,
c. 55,
amended.

3. *The Milk Control Act, 1948* is amended by adding thereto the following section:

Distributors'
licences
may restrict
area of
distribution.

13a.—(1) Any licence issued under this Act to a distributor may specify one or more distribution areas.

Prohibition.

(2) Where one or more distribution areas are specified in a licence, the distributor to whom it is issued shall not distribute milk in any area other than the area or areas so specified.

1948,
c. 55, s. 14,
subs. 1,
cl. *aa*
(1949,
c. 57, s. 5,
subs. 1),
re-enacted.

4.—(1) Clause *aa* of subsection 1 of section 14 of *The Milk Control Act, 1948*, as enacted by subsection 1 of section 5 of *The Milk Control Amendment Act, 1949*, is repealed and the following substituted therefor:

(*aa*) defining areas and designating them as distribution areas.

1948,
c. 55, s. 14,
subs. 1, cl. *q*,
re-enacted.

(2) Clause *q* of subsection 1 of the said section 14 is repealed and the following substituted therefor:

(*q*) prescribing the books and records that shall be kept by licensees under this Act and providing for the inspection of such books and records by auditors appointed by the Board.

Short title.

5. This Act may be cited as *The Milk Control Amendment Act, 1950*.

BILL

An Act to amend The Milk Control Act,
1948.

1st Reading

March 3rd, 1950

2nd Reading

March 6th, 1950

3rd Reading

March 22nd, 1950

MR. KENNEDY

No. 87

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL
The Marriage Act, 1950.

MR. WELSH

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

This Bill is a consolidation and revision of *The Marriage Act*. The last complete revision of this Act was in 1921. Certain new principles are contained in the Bill, but generally the purpose of the revision is for clarification and simplification of the existing principles.

The new principles are the following:

1. Authority to solemnize marriage is given to judges of the county and district courts and to magistrates (section 25).
2. In the registration of clergymen the provisions of the Act are broadened to include clergymen of undenominational groups by a change from the expression "religious denomination" to "religious body" (section 21 (3).)
3. Henceforth marriages cannot be solemnized under the authority of publication of banns unless the banns are called in the church or churches where the parties to the marriage are in the habit of attending worship (section 15).
4. Provision is made whereby a married person who is unable to prove the death of a missing spouse may apply to a judge of a county or district court for an order that, for the purpose of obtaining a marriage licence or special permit or of being married under the authority of publication of banns, the missing spouse shall be presumed dead (section 11).

No. 87

1950

BILL

The Marriage Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion.

- (a) "church" includes chapel, meeting-house or place set aside for religious worship;
- (b) "issuer" means a person authorized under this Act to issue marriage licences;
- (c) "judge" means a judge or junior judge of a county or district court;
- (d) "licence" means a marriage licence issued under this Act;
- (e) "magistrate" means a magistrate appointed under *The Magistrates Act. New.*

Rev. Stat.,
c. 133.

2. The administration of this Act shall be under the direction of the Provincial Secretary. *New.*

Administra-
tion.

3. With the consent of the Provincial Secretary the Deputy Provincial Secretary may have, use and exercise any power, right or authority conferred by this Act on the Provincial Secretary. *New.*

Delegation
of Minister's
powers.

4.—(1) No marriage may be solemnized except under the authority of a licence, special permit, or publication of banns.

Authority
to marry.

(2) The Lieutenant-Governor or his deputy may authorize by licence (Form 1) the solemnization of marriage. R.S.O. 1937, c. 207, s. 4 (1), *amended.*

Licence.

(3) The Provincial Secretary may authorize by special permit (Form 2) the solemnization of marriage. *New.*

Special
permit.

Who may
marry,
residents;

5.—(1) Any person who is eighteen years of age or more may obtain a licence or a special permit or be married under authority of publication of banns, provided no lawful cause exists to hinder the solemnization. *New.*

non-
residents.

(2) No licence shall be issued where neither of the parties to the intended marriage has, for fifteen days immediately preceding the date of the application for a licence, had his usual place of abode within Ontario, unless the Provincial Secretary, in writing, authorizes the issue thereof. R.S.O. 1937, c. 207, s. 22 (2), *amended.*

Persons
mentally
ill, etc.

6. No person shall issue a licence or special permit to or solemnize the marriage of any person who is mentally ill or mentally defective, or who is under the influence of intoxicating liquor or narcotic drugs. R.S.O. 1937, c. 207, s. 20, *amended.*

Consent to
marriage
under
eighteen,
father;

7.—(1) No person shall,

(a) issue a licence or special permit to; or

(b) solemnize under the authority of publication of banns, the marriage of,

any person under the age of eighteen years unless the consent in writing of the father is obtained.

mother;

(2) Where the father is dead, or is living apart from the mother and such person and is not maintaining or contributing to the support of such person, the consent in writing of the mother shall be obtained.

guardian.

(3) Where a guardian has been appointed, his consent in writing only shall be obtained.

Exceptions.

(4) Notwithstanding subsections 1 to 3, a licence may be issued to a person under the age of eighteen years if the issuer is satisfied that both parents are dead and no guardian has been appointed or that the person whose consent is required is declared mentally ill or is confined in a hospital for mentally ill or mentally defective persons, or is not resident in Ontario or cannot be found.

Deposit of
consent.

(5) Any consent required by this section shall be deposited with the person issuing the licence or special permit or solemnizing the marriage, as the case may be. R.S.O. 1937, c. 207, s. 17, *amended.*

8. No person shall,

Person under
fourteen
years.

(a) ~~issue a licence or special permit to; or~~

(b) solemnize under the authorize of publication of banns,
the marriage of,

any person under the age of fourteen years unless section 7 is complied with and a certificate of a legally qualified medical practitioner, stating that the marriage is necessary to prevent illegitimacy of offspring, is deposited with the person issuing the licence or special permit or solemnizing the marriage. R.S.O. 1937, c. 207, s. 18, *amended*.

9.—(1) Where the person whose consent is required under section 7 unreasonably or arbitrarily withholds his consent Application to dispense with consent. or is by his actions not interested in the maintenance or well-being of the person in respect of whose marriage the consent is required, or where it is uncertain whose consent is required, the person in respect of whose marriage consent is required may apply to a judge without the intervention of a next friend for an order under this section.

(2) The judge shall hear the application in a summary Order. manner and may make an order dispensing with the consent. *New.*

10. Notwithstanding anything in this Act, if the Provincial Discretionary power of Minister. Secretary considers that circumstances justify the issue of a licence or a special permit in any particular case, he may, in his absolute discretion, authorize the issue of a licence or issue a special permit. R.S.O. 1937, c. 207, s. 19, *amended*.

11.—(1) A married person whose spouse is missing and Application for presumption of death. who alleges,

(a) that his spouse has been continuously absent for at least seven years immediately preceding the application;

(b) that his spouse has not been heard from or heard of during such period by the applicant or to the knowledge of the applicant by any other person; and

(c) that the applicant has made reasonable inquiries and has no reason to believe that his spouse is living,

may apply to a judge for an order under this section.

(2) Upon being satisfied as to the truth of the matters Order. alleged, the judge may, in his discretion, make an order declaring that the spouse shall be presumed dead.

Effect of
order.

(3) Where an order has been obtained under this section, the person in whose favour the order was made may, subject to the provisions of this Act, obtain a licence or special permit or be married under the authority of publication of banns upon depositing a copy of the order with the person issuing the licence or special permit or solemnizing the marriage together with an affidavit (Form 3).

Idem.

(4) Except for the purposes of subsection 3, the order shall have no effect. *New.*

Divorced
persons,
in Canada;

12.—(1) No issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled in Canada unless such person deposits with the issuer,

(a) a copy of the final decree or judgment or of the Act dissolving or annulling the marriage, certified by the proper officer; and

(b) such other material as the issuer may require.

elsewhere.

(2) No issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled elsewhere than in Canada, unless the authorization in writing of the Provincial Secretary is obtained upon the deposit of such material as he may require. *New.*

Prerequisite
to licence.

13.—(1) Before a licence is issued,

(a) both parties to the intended marriage shall make an affidavit (Form 4); or

(b) one of the parties shall make an affidavit (Form 4) and deposit with the issuer,

(i) a birth certificate of the other party, or

(ii) an affidavit by the other party or by some member of his family having personal knowledge of the facts, stating the age, date and place of birth of such other party; provided that where the affidavit is made by the other party to the intended marriage it shall be sufficient to state his age, date and place of birth, according to the best of his knowledge, information and belief.

Place of
affidavit.

(2) The affidavit (Form 4) shall be endorsed on the licence. R.S.O. 1937, c. 207, s. 22 (1), *amended.*

14. Where a marriage is to be solemnized under the authority of a licence it shall not take place earlier than the third day after the date of the issue of the licence, but the Provincial Secretary in his absolute discretion may authorize the solemnization of the marriage earlier than such third day. R.S.O. 1937, c. 207, s. 26 (1), *amended*. Marriage not to be performed within three days of date of licence.

15.—(1) Where a marriage is to be solemnized under the authority of publication of banns the intention to marry shall be proclaimed openly in an audible voice during divine service, Publication of banns.

(a) where the parties are in the habit of attending worship at the same church, being within Canada, at that church; or

(b) where the parties are in the habit of attending worship in different churches, being within Canada, in each such church. R.S.O. 1937, c. 207, s. 4 (2), *part, amended*.

(2) The banns shall be published according to the usage of the denomination, faith or creed of the church in which they are published and during divine Sunday service at least one week before the marriage. R.S.O. 1937, c. 207, s. 4 (3), 5 (1) *part, amended*. Method and time of publication.

(3) Where the usage of any denomination, faith or creed substitutes any other day as the usual and principal day of the week for the celebration of divine service the banns shall be published on such other day. *New*. Exception.

(4) The person or persons who publish banns shall complete proof of publication (Form 5). R.S.O. 1937, c. 207, s. 4 (4), *amended*. Proof of publication.

16. No marriage shall be solemnized under the authority of publication of banns unless proof of publication by the person or persons publishing the banns has been deposited with the person solemnizing the marriage. R.S.O. 1937, c. 207, s. 4 (2), *part, amended*. Idem.

17. Banns shall not be published,

Where banns not to be published.

(a) where either of the parties to the intended marriage has been married and the marriage has been dissolved or annulled; or

(b) where neither of the parties has had his usual place of abode within Ontario for fifteen days immediately preceding the request for publication. *New*.

Time within
which mar-
riage to be
solemnized.

18. A marriage shall be solemnized only within the three months immediately following the issue of the licence or special permit, or the publication of banns, as the case may be. R.S.O. 1937, c. 207, s. 5 (1), *part, amended*.

Attendance
of parties
and wit-
nesses.

19. Every marriage shall be solemnized in the presence of the parties and at least two witnesses who shall affix their names as witnesses to the entry in the register made under section 26. R.S.O. 1937, c. 207, s. 5 (3), *amended*.

Marriage
certificate.

20. Every person who solemnizes a marriage shall, at the time of the marriage, if required by either of the parties thereto, give a certificate of the marriage specifying the names of the parties, the date of the marriage, the names of the witnesses, and whether the marriage was solemnized under the authority of a licence, special permit or publication of banns. R.S.O. 1937, c. 207, s. 29, *amended*.

Who may
solemnize
marriage.

21.—(1) No person shall solemnize a marriage unless he is a judge or a magistrate, or is registered under this section as a person authorized to solemnize marriage. *New*.

Application
for regis-
tration.

(2) Upon application the Provincial Secretary may, subject to subsection 3, register any person as a person authorized to solemnize marriage.

Who may be
registered.

(3) No person shall be registered unless it appears to the Provincial Secretary,

- (a) that the person has been ordained or appointed according to the rites and usages of the religious body to which he belongs, or is, by the rules of that religious body, deemed ordained or appointed;
- (b) that the person is duly recognized by the religious body to which he belongs as entitled to solemnize marriage according to its rites and usages;
- (c) that the religious body to which the person belongs is permanently established both as to the continuity of its existence and as to its rites and ceremonies; and
- (d) that the person is resident in Ontario or has his parish or pastoral charge in whole or in part in Ontario; provided that in the case of a person who is in Ontario temporarily and who, if resident in Ontario, might be registered under this section, the Provincial Secretary may register him as authorized to solemnize marriage during a period to be fixed by the Provincial Secretary. R.S.O. 1937, c. 207, s. 2 (1), *part, amended*.

(4) Notwithstanding subsection 1, every marriage solemnized according to the rites, usages and customs of the religious Society of Friends, commonly called Quakers, shall be valid and all the duties imposed by this Act upon a person solemnizing a marriage shall, with respect to such marriage, be performed by the clerk or secretary of the society or of the meeting at which the marriage is solemnized; but nothing herein shall require the marriage to be celebrated or solemnized by such clerk or secretary. R.S.O. 1937, c. 207, s. 3, *amended*.

22.—(1) The Provincial Secretary shall keep a register of the name of every person registered as a person authorized to solemnize marriage, the date of such registration, and such other particulars as he may deem advisable. R.S.O. 1937, c. 207, s. 2 (2), *amended*. Register.

(2) The Provincial Secretary may issue a certificate (Form 6) of registration under this section. R.S.O. 1937, c. 207, s. 2 (1), *part, amended*. Certificate of registration.

23.—(1) Where it appears to the Provincial Secretary that any person registered as authorized to solemnize marriage has ceased to possess the qualifications entitling him to be so registered, or for any other cause, the Provincial Secretary may cancel such registration. R.S.O. 1937, c. 207, s. 2 (2), *amended*. Cancellation of registration.

(2) Every religious body, members of which are registered under this Act, shall notify the Provincial Secretary of the name of every such member so registered who has died or has ceased to reside in Ontario or has ceased to be associated with such religious body. *New*. Notice of change.

24. When a person is registered under this Act as authorized to solemnize marriage, and when any such registration is cancelled, the Provincial Secretary shall publish notice thereof in *The Ontario Gazette*. R.S.O. 1937, c. 207, s. 2 (4), *part, amended*. Publication of registration and cancellation.

25.—(1) A judge or magistrate may solemnize marriage under the authority of a licence or a special permit. Civil marriage.

(2) The marriage shall be solemnized in the judge's chambers or magistrate's office between the hours of nine o'clock in the morning and five o'clock in the afternoon. Place of solemnization.

(3) No particular form of ceremony shall be required except that in some part of the ceremony, in the presence of the judge or magistrate and witnesses, each of the parties shall declare: Form of ceremony.

I do solemnly declare that I do not know of any lawful impediment why I, AB, may not be joined in matrimony to CD,

and each of the parties shall say to the other:

I call upon these persons here present to witness that I, AB, do take thee, CD, to be my lawful wedded wife (*or husband*),

after which the judge or magistrate shall say:

I, EF, Judge (*or Magistrate*) of _____, by virtue of the powers vested in me by *The Marriage Act, 1950*, do hereby pronounce you AB and CD to be husband and wife.

New.

Entry in marriage register.

26. Every person shall immediately after he has solemnized a marriage,

- (a) where the marriage was solemnized in a church, enter in the church register kept for the purpose; or
- (b) where the marriage was solemnized elsewhere than in a church, enter in a register kept by him for the purpose,

the particulars set out in Form 7, and the entry shall be authenticated by his signature and those of the parties and witnesses. R.S.O. 1937, c. 207, s. 30, *amended*.

Church marriage registers.

27.—(1) Every person registered as authorized to solemnize marriage who is in charge of a church that has not a marriage register shall apply to the clerk of the local municipality in which the church is situate for a marriage register for the church, and the clerk shall thereupon supply such register at the cost of the municipality.

Individual registers.

(2) Every person registered as authorized to solemnize marriage may apply to the clerk of the local municipality in which he resides for a marriage register for his own use, and the clerk shall thereupon supply such register at the cost of the municipality.

Unorganized territory.

(3) Where the church is situate or the person is resident in territory without municipal organization, the application referred to in subsection 1 or 2 shall be made to the Provincial Secretary who shall supply such register. R.S.O. 1937, c. 207, s. 31, *amended*.

Judges and magistrates.

(4) The Provincial Secretary shall supply a marriage register to every judge and magistrate. *New.*

(5) Every marriage register supplied under subsection 1, ^{Property in registers.} 2 or 3 shall be and remain the property of the religious body to which the person who applied for the register belongs, and every marriage register supplied under subsection 4 shall be and remain the property of the Crown. R.S.O. 1937, c. 207, s. 32, *amended*.

28.—(1) Before the solemnization of a marriage the parties ^{Statement of marriage.} to the marriage shall complete the particulars in the statement of marriage (Form 8) endorsed on the licence, special permit or certificate of publication of banns, and leave it with the person who will solemnize the marriage, and forthwith after the solemnization of the marriage,

- (a) the parties to the marriage shall sign the statement;
- (b) at least two witnesses to the marriage shall sign the statement; and
- (c) the person who solemnized the marriage shall complete and sign the certificate on the statement.

(2) Within two days after the day of the marriage, the ^{To be forwarded to Registrar-General.} person who solemnized the marriage shall forward the statement, duly completed in accordance with subsection 1, to the Registrar-General. 1949, c. 55, s. 1, *amended*.

29.—(1) Marriage licences may be issued by the clerk of ^{Ex officio issuers.} every city, town and village and by every magistrate in territory without municipal organization and every such clerk and magistrate shall be *ex officio* an issuer of marriage licences.

(2) Where it is deemed expedient for the public convenience the Lieutenant-Governor in Council may appoint as an issuer the clerk of any township, or any person resident in the Provisional County of Haliburton, or in a township adjacent thereto, or in a provisional judicial district. R.S.O. 1937, c. 207, s. 8, *amended*. ^{In townships and unorganized territory.}

30.—(1) An issuer may, with the approval in writing of ^{Deputy issuers.} the Provincial Secretary or of the head of the council of the municipality of which he is clerk, appoint in writing one or more deputies to act for him, and any such deputy while so acting shall have the power of the issuer appointing him.

(2) The issuer shall, upon appointing a deputy, forthwith ^{Notice of appointment of deputy.} transmit to the Provincial Secretary a notice of the appointment, and of the reason therefor, and of the name and official position of the person by whom the appointment has been approved, and the Provincial Secretary may at any time cancel the appointment.

Signature of
licences by
deputy.

(3) The deputy shall sign each licence issued by him with the name of the issuer as well as his own name in the following manner:

AB, Issuer of Marriage Licences, per CD, Deputy Issuer.

R.S.O. 1937, c. 207, s. 11, *amended*.

Validity of
licences and
special
permits.

31. Every licence under the hand and seal of the Lieutenant-Governor or his deputy and every special permit issued under the hand and seal of the Provincial Secretary or Deputy Provincial Secretary for the purpose of the solemnization of a marriage, shall be and remain valid notwithstanding that the Lieutenant-Governor or his deputy, or the Provincial Secretary or the Deputy Provincial Secretary, as the case may be, has ceased to hold office before the time of the issue of the licence or special permit. R.S.O. 1937, c. 207, s. 9; 1947, c. 62, s. 1, *amended*.

Evidence on
applications.

32. An issuer or the Provincial Secretary may require evidence to identify any applicant or to establish his status and may examine, under oath if required, any applicant or other person as to any matter pertaining to the issue of a licence or special permit. R.S.O. 1937, c. 207, s. 12, *amended*.

Record of
licences.

33.—(1) Every issuer shall keep in his office a record of the serial number and the date of issue of every licence issued by him, and the names and addresses of the parties to the intended marriage.

Searches.

(2) Any person shall be entitled, upon application, to have a search made respecting any licence issued within three months immediately preceding the date of application. R.S.O. 1937, c. 207, s. 13, *amended*.

Untrue
information.

34. Where an issuer has reason to believe that any information set out in the affidavit (Form 4) is untrue, he shall not issue the licence unless, on the production of such further evidence as he may require, he is satisfied as to the truth of the information. R.S.O. 1937, c. 207, s. 24, *amended*.

Material to
be for-
warded, to
Provincial
Secretary;

35.—(1) Every issuer shall, immediately upon issuing a licence, forward to the Provincial Secretary such of the particulars contained in Form 4 as the Provincial Secretary may require.

to Registrar-
General.

(2) Every issuer immediately upon issuing a licence and every person registered as authorized to solemnize marriage upon publishing banns shall forward to the Registrar-General the following:

1. Any consent under section 7 or 8.
2. Any certificate of a medical practitioner under section 8.
3. Any judge's order under section 9.
4. Any judge's order under section 11.
5. Any affidavit (Form 3) under section 11.
6. The copy of any decree, judgment or Act dissolving or annulling a marriage and any other material under section 12.
7. Any affidavit as to age under section 13.
8. Any birth certificate under section 13.
9. Any documentary material obtained under section 32 or 34. 1947, c. 62, s. 2, *amended*.

36. Issuers may administer oaths for the purposes of this Oaths Act. R.S.O. 1937, c. 207, s. 22 (1), *amended*.

37.—(1) The fee for a licence shall be \$5 of which sum \$4 Licence fee. shall be remitted by the issuer to the Treasurer of Ontario.

(2) The issuer shall retain \$1 from the licence fee for his Idem. own use.

(3) Where the issuer is the clerk of a municipality, the council of the municipality may commute the issuer's fees Commutation of clerk's fees. provided for in subsection 2 for a fixed sum, not exceeding \$2,000, payable annually by the municipality to the issuer, in which case the fees that would otherwise be retained by the issuer shall belong to the municipality.

(4) When the council and the issuer do not agree upon the Idem. amount of the commutation, the amount may be fixed by a judge. R.S.O. 1937, c. 207, s. 27, *amended*.

38. The fee for an authorization under subsection 2 of section 5 shall be \$5. R.S.O. 1937, c. 207, s. 22 (3), *amended*. Non-resident fee.

39. The costs of an application under section 11 shall be fixed by the judge and paid by the applicant. *New.* Costs on order of presumption of death.

40. The fee for the solemnization of a marriage by a judge or magistrate shall be \$10 which shall be remitted by the judge or magistrate, as the case may be, to the Treasurer of Ontario. *New.* Fee on marriage by judge or magistrate.

Property in
unissued
licences.

41. Every issuer and every other person having unissued licenses in his possession, custody, or control, shall, whenever required so to do, transmit them to the Provincial Secretary, and the property in all unissued licences shall be and remain in the Crown. R.S.O. 1937, c. 207, s. 15, *amended*.

Protection
of persons
solemnizing
marriage in
good faith.

42. No person who solemnizes or purports to solemnize a marriage shall be subject to any action or liability by reason of there having been any legal impediment to the marriage unless, at the time he performed the ceremony, he was aware of the impediment. R.S.O. 1937, c. 207, s. 6, *amended*.

Prohibited
degrees to
be endorsed.

43.—(1) Form 9 respecting the prohibited degrees of affinity and consanguinity shall be endorsed on the licence and on the proof of publication of banns.

Changes in
prohibited
degrees.

(2) If at any time changes are made in the law affecting the prohibited degrees of affinity and consanguinity, the Lieutenant-Governor in Council may direct changes to be made in Form 9 so as to make it conformable to the law for the time being. R.S.O. 1937, c. 207, s. 23, *amended*.

Marriages
solemnized
in good
faith.

44. If the parties to a marriage solemnized in good faith and intended to be in compliance with this Act are not under a legal disqualification to contract such marriage and after such solemnization have lived together and cohabited as man and wife, such marriage shall be deemed a valid marriage, notwithstanding that the person who solemnized the marriage was not authorized to solemnize marriage, and notwithstanding the absence of or any irregularity or insufficiency in the publication of banns or the issue of the licence or special permit. R.S.O. 1937, c. 207, s. 33, *amended*.

Issue of
licence by
unauthorized
persons.

45. Every person who issues a licence, unless authorized so to do, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$100 and not more than \$300 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1937, c. 207, s. 10, *amended*.

Premature
celebration
of marriage.

46. Every person who solemnizes a marriage under the authority of a licence earlier than the third day after the date of its issue, except where specifically authorized, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. *New*.

Marriage of
mental
defectives,
etc.

47. Every issuer who issues a licence and every person who solemnizes a marriage, knowing or having reason to believe that either of the parties to the intended marriage or to the marriage is mentally defective or mentally ill or is under the influence of intoxicating liquor or narcotic drugs,

shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1937, c. 207, s. 20, *amended*.

48. Every person not registered as a person authorized to solemnize marriage who solemnizes or undertakes to solemnize any marriage, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1937, c. 207, s. 21, *amended*. Marriage by unauthorized person.

49. Every person who knowingly makes any false statement in any document required under this Act, in addition to any other penalty or punishment to which he may be liable, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1937, c. 207, s. 34 (1), *amended*. False statements.

50. Every person who fails to comply with any provision of this Act for which no other penalty is provided shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. R.S.O. 1937, c. 207, s. 34 (2), *amended*. Where no other penalty provided.

51. So many of the provisions of *The Divorce Act (Ontario)*, 1930 (Canada) as are or may be within the legislative competence of this Legislature, are hereby enacted as if fully set out in this Act. R.S.O. 1937, c. 207, s. 35. 1930, c. 14 (Can.), confirmed.

52. Every registration and every appointment under *The Marriage Act* shall, subject to the provisions hereof, continue in force under this Act. *New*. Existing registrations, etc., continued.

53. *The Marriage Act*, section 18 of *The Statute Law Amendment Act, 1941*, *The Marriage Amendment Act, 1947* and *The Marriage Amendment Act, 1949* are repealed. Rev. Stat., c. 207; 1941, c. 55, s. 18; 1947, c. 62; 1949, c. 55; repealed.

54. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

55. This Act may be cited as *The Marriage Act, 1950*. Short title.

FORM 1

(Section 4 (2))

Serial No.

PROVINCE OF ONTARIO

By

Lieutenant-Governor of the Province of Ontario

I do hereby authorize by this licence the solemnization of marriage
between

.....ofand
(name in full) (address)

.....of
(name in full) (address)

Provided always that, by reason of any Affinity, Consanguinity,
Prior Marriage, or other Lawful Cause there is no Legal impediment in
this behalf; but if otherwise, this licence shall be null and void to all
intents and purposes whatsoever.

GIVEN under my Hand and Seal at the City of Toronto in the
Province of Ontario this day of
in the year of Our Lord and in the Year of His Majesty's
Reign.

Issued thisday of19....

.....
Issuer of Marriage Licences at

.....

New.

FORM 2

(Section 4 (3))

SPECIAL PERMIT

I,
Provincial Secretary, hereby authorize the marriage of

.....

of theof

and.....

of theof

GIVEN under my hand and seal at.....

this.....day of19....

.....
(Provincial Secretary)

R.S.O. 1937, c. 207, Form 2, *amended.*

FORM 3

(Section 11 (3))

AFFIDAVIT REGARDING PRESUMPTION OF DEATH

Canada:
Province of Ontario,

To Wit:

}

I, , do solemnly swear that:

1. A marriage is intended to be solemnized in the Province of Ontario, between the following parties, of whom I am one, namely:

Intended Bridegroom (*name in full*)

Residence (*address in full*)

and

Intended Bride (*name in full*)

Residence (*address in full*)

2. I was married to (name in full)
on (*date*) at (*place*)

3. I have obtained from a judge of the County (*or* District) Court of the County (*or* District) of.....an order declaring that the said..... (*name in full*) shall be presumed dead.

4. I still have no reason to believe that the said..... is living.

5. I have given careful consideration to the question of the validity of the intended marriage between..... (the other party to the intended marriage) and myself and understand that and have advised..... (the other party to the intended marriage) that if..... (the person presumed dead) is not in fact dead at the time of the solemnization of the intended marriage, the said marriage shall be void.

6. I have shown..... (the other party to the intended marriage) a copy of the said order of presumption of death.

SWORN before me at the
of
in the of
, this
day of
A.D.

}

New.

FORM 4
(Section 13)
AFFIDAVIT

16

I, and
I, of the in the
of in the Province of make oath and say as follows:
That, for the space of fifteen days immediately preceding the date of this affidavit,
ha had USUAL place of ABODE within the PROVINCE OF ONTARIO,
That I believe there is no affinity, consanguinity, prior marriage or other lawful cause or legal impediment to bar or hinder the solemnization of the
marriage, and
That the contents set forth herein are to the best of knowledge, information and belief, true in every particular:

Names in full		
Occupation		
Condition in Life	Age	
Religious Denomination	Spinster, Widow or Divorcee	
Residence		
Place of Birth		
Intended Place of Marriage	..... in the County or District of	

..... SWORN before me at the
of in the County or District of
..... this
day of 19.....
..... Issuer of Marriage Licences at
..... (signature of Issuer or Deputy Issuer, as case may be)

R.S.O. 1937, c. 207, Form 3, amended.

FORM 5
(Section 15 (4))

No.....

PROOF OF PUBLICATION

I duly published the banns of marriage between.....
.....
of the.....of.....
and.....
of the.....of.....
in.....Church in
the.....of.....

I further certify that I verily believe the said
.....
(and)
(is or are) in the habit of attending worship at the said Church.

Dated this.....day of.....19.....

.....
(Signature).....
(Address)R.S.O. 1937, c. 207, Form 1, *amended*.

FORM 6
(Section 22 (2))

No.....

CERTIFICATE OF REGISTRATION

as a person authorized to solemnize marriage

Pursuant to THE MARRIAGE ACT, I certify that.....
.....
of the.....of.....
in the.....of.....
is registered as a person authorized to solemnize marriage in the
PROVINCE OF ONTARIO.

GIVEN under my hand at the Parliament Buildings at the City of
Toronto in the Province of Ontario this.....
day of.....19.....

(Deputy) Provincial Secretary.

FORM 7

(Section 26)

REGISTER OF MARRIAGES

	BRIDEGROOM
His name	
Age	
Residence when married	
Place of birth	
Bachelor, Widower or Divorcee (B., W. or D.)	
Occupation	
Religious Denomination of Bridegroom	
Names of Parents	
	BRIDE
Her name	
Age	
Residence when married	
Place of birth	
Spinster, Widow or Divorcee (S., W. or D.)	
Religious Denomination of Bride	
Names of Parents	
Whether Married by Licence or Banns (L. or B.)	
SIGNATURES	
of Bridegroom	
of Bride	
of Witnesses	
	Residence
	Residence

I certify the above-named parties were married by me at
, in the County of , this day of
19 .

.....
(Signature)

.....
(Address)

R.S.O. 1937, c. 207, Form 4, *amended*.

FORM 8

(Section 28 (1))

STATEMENT OF MARRIAGE

(For use of Registrar-General only)

1. Place of Marriage: The of in the of
 (city, town, village or township) (county or territorial district)
 2. Date of Marriage:
 (month by name) (day) (year)
 Bridegroom

4.	Surname Given Names	17.	Bride
5. The of in the of (city, town, village or township) (county or territorial district)	Residence	18. The of in the of (city, town, village or township) (county or territorial district)	
6. (Bachelor, Widower, Divorcee)	Marital Status	19. (Spinster, Widow, Divorcee)	
7.	Religious Denomination	20.	
8. Age 9. Citizenship 10. Racial (in years)	Age Citizenship Racial Origin	21. Age 22. Citizenship 23. Racial (in years)	
11. (If in Canada state Province; if foreign born state country)	Place of Birth	24. (If in Canada state Province; if foreign born state country)	
12.	Occupation	25.	
13.	Name of Father Surname Given Names	26.	
14.	Maiden Name of Mother Maiden Surname Given Names	27.	
15. (Province or Country)	Birthplace of Father	28. (Province or Country)	
16. (Province or Country)	Birthplace of Mother	29. (Province or Country)	

.....
 (Signature of Bridegroom)
 (Signature of Bride)
 (Signature of Witness)
 (Address of Witness)

I CERTIFY that I solemnized the marriage of the parties named in Items 4 and 17 on the date and at the place set out above.

*Registration No.
 *Religious Denomination
 (Signature of person solemnizing the marriage)
 (Post Office Address)
 Date

*These items not to be completed by a judge or magistrate.

FORM 9

(Section 43)

Degrees of affinity and consanguinity which, under the statutes in that behalf, bar the lawful solemnization of marriage.

A man may not marry his

1. Grandmother
2. Grandfather's wife
3. Wife's grandmother
4. Aunt
- †5. Uncle's wife
6. Wife's aunt
7. Mother
8. Step mother
9. Wife's mother
10. Daughter
11. Wife's daughter
12. Son's wife
13. Sister
14. Granddaughter
15. Grandson's wife
16. Wife's granddaughter
17. Niece
18. Nephew's wife
19. Wife's niece*
- †20. Brother's wife

A woman may not marry her

1. Grandfather
2. Grandmother's husband
3. Husband's grandfather
4. Uncle
5. Aunt's husband*
6. Husband's uncle
7. Father
8. Step father
9. Husband's father
10. Son
11. Husband's son
12. Daughter's husband
13. Brother
14. Grandson
15. Granddaughter's husband
16. Husband's grandson
17. Nephew
18. Niece's husband
- †19. Husband's nephew
- †20. Husband's brother

The relationships set forth in this table include all such relationships, whether by the whole or half blood, and whether legitimate or illegitimate.

*By the Revised Statutes of Canada, 1927, c. 127, s. 2 (1932, c. 10), it is enacted that "A marriage is not invalid merely because the woman is a sister of a deceased wife of the man, or a daughter of a sister or brother of a deceased wife of the man."

†By the Revised Statutes of Canada, 1927, c. 127, s. 3 (1932, c. 10), it is enacted that "A marriage is not invalid merely because the man is a brother of a deceased husband of the woman or a son of a brother or sister of a deceased husband of the woman."

R.S.O. 1937, c. 207, Form 5, *amended*.

BILL

The Marriage Act, 1950

1st Reading

March 3rd, 1950

2nd Reading

3rd Reading

MR. WELSH

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL
The Marriage Act, 1950.

MR. WELSH

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

This Bill is a consolidation and revision of *The Marriage Act*. The last complete revision of this Act was in 1921. Certain new principles are contained in the Bill, but generally the purpose of the revision is for clarification and simplification of the existing principles.

The new principles are the following:

1. Authority to solemnize marriage is given to judges of the county and district courts and to magistrates (section 25).
2. In the registration of clergymen the provisions of the Act are broadened to include clergymen of undenominational groups by a change from the expression "religious denomination" to "religious body" (section 21 (3).)
3. Henceforth marriages cannot be solemnized under the authority of publication of banns unless the banns are called in the church or churches where the parties to the marriage are in the habit of attending worship (section 15).
4. Provision is made whereby a married person who is unable to prove the death of a missing spouse may apply to a judge of a county or district court for an order that, for the purpose of obtaining a marriage licence or special permit or of being married under the authority of publication of banns, the missing spouse shall be presumed dead (section 11).

No. 87

1950

BILL

The Marriage Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion.

- (a) "church" includes chapel, meeting-house or place set aside for religious worship;
- (b) "issuer" means a person authorized under this Act to issue marriage licences;
- (c) "judge" means a judge or junior judge of a county or district court;
- (d) "licence" means a marriage licence issued under this Act;
- (e) "magistrate" means a magistrate appointed under *The Magistrates Act. New.*

Rev. Stat.,
c. 133.

2. The administration of this Act shall be under the direction of the Provincial Secretary. *New.*

Administra-
tion.

3. With the consent of the Provincial Secretary the Deputy Provincial Secretary may have, use and exercise any power, right or authority conferred by this Act on the Provincial Secretary. *New.*

Delegation
of Minister's
powers.

4.—(1) No marriage may be solemnized except under the authority of a licence, special permit, or publication of banns.

Authority
to marry.

(2) The Lieutenant-Governor or his deputy may authorize by licence (Form 1) the solemnization of marriage. R.S.O. 1937, c. 207, s. 4 (1), *amended.*

Licence.

(3) The Provincial Secretary may authorize by special permit (Form 2) the solemnization of marriage. *New.*

Special
permit.

Who may
marry,
residents;

5.—(1) Any person who is eighteen years of age or more may obtain a licence or a special permit or be married under authority of publication of banns, provided no lawful cause exists to hinder the solemnization. *New.*

non-
residents.

(2) No licence shall be issued where neither of the parties to the intended marriage has, for fifteen days immediately preceding the date of the application for a licence, had his usual place of abode within Ontario, unless the Provincial Secretary, in writing, authorizes the issue thereof. R.S.O. 1937, c. 207, s. 22 (2), *amended.*

Persons
mentally
ill, etc.

6. No person shall issue a licence or special permit to or solemnize the marriage of any person who is mentally ill or mentally defective, or who is under the influence of intoxicating liquor or narcotic drugs. R.S.O. 1937, c. 207, s. 20, *amended.*

Consent to
marriage
under
eighteen,
father;

7.—(1) No person shall,

(a) issue a licence or special permit to; or

(b) solemnize under the authority of publication of banns, the marriage of,

any person under the age of eighteen years unless the consent in writing of the father is obtained.

mother;

(2) Where the father is dead, or is living apart from the mother and such person and is not maintaining or contributing to the support of such person, the consent in writing of the mother shall be obtained.

guardian.

(3) Where a guardian has been appointed, his consent in writing only shall be obtained.

Exceptions.

(4) Notwithstanding subsections 1 to 3, a licence may be issued to a person under the age of eighteen years if the issuer is satisfied that both parents are dead and no guardian has been appointed or that the person whose consent is required is declared mentally ill or is confined in a hospital for mentally ill or mentally defective persons, or is not resident in Ontario or cannot be found.

Deposit of
consent.

(5) Any consent required by this section shall be deposited with the person issuing the licence or special permit or solemnizing the marriage, as the case may be. R.S.O. 1937, c. 207, s. 17, *amended.*

8. No person shall,

Person under
fourteen
years.

- (a) issue a licence or special permit to; or
- (b) solemnize under the authorize of publication of banns,
the marriage of,

any person under the age of fourteen years unless section 7 is complied with and a certificate of a legally qualified medical practitioner, stating that the marriage is necessary to prevent illegitimacy of offspring, is deposited with the person issuing the licence or special permit or solemnizing the marriage. R.S.O. 1937, c. 207, s. 18, *amended*.

9.—(1) Where the person whose consent is required under section 7 unreasonably or arbitrarily withholds his consent or is by his actions not interested in the maintenance or well-being of the person in respect of whose marriage the consent is required, or where it is uncertain whose consent is required, the person in respect of whose marriage consent is required may apply to a judge without the intervention of a next friend for an order under this section. Application
to dispense
with consent.

(2) The judge shall hear the application in a summary manner and may make an order dispensing with the consent. Order.
New.

10. Notwithstanding anything in this Act, if the Provincial Secretary considers that circumstances justify the issue of a licence or a special permit in any particular case, he may, in his absolute discretion, authorize the issue of a licence or issue a special permit. R.S.O. 1937, c. 207, s. 19, *amended*. Discretion-
ary power
of Minister.

11.—(1) A married person whose spouse is missing and who alleges, Application
for presump-
tion of death.

- (a) that his spouse has been continuously absent for at least seven years immediately preceding the application;
- (b) that his spouse has not been heard from or heard of during such period by the applicant or to the knowledge of the applicant by any other person; and
- (c) that the applicant has made reasonable inquiries and has no reason to believe that his spouse is living,

may apply to a judge for an order under this section.

(2) Upon being satisfied as to the truth of the matters alleged, the judge may, in his discretion, make an order declaring that the spouse shall be presumed dead. Order.

Effect of
order.

(3) Where an order has been obtained under this section, the person in whose favour the order was made may, subject to the provisions of this Act, obtain a licence or special permit or be married under the authority of publication of banns upon depositing a copy of the order with the person issuing the licence or special permit or solemnizing the marriage together with an affidavit (Form 3).

Idem.

(4) Except for the purposes of subsection 3, the order shall have no effect. *New.*

Divorced
persons,
in Canada;

12.—(1) No issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled in Canada unless such person deposits with the issuer,

(a) a copy of the final decree or judgment or of the Act dissolving or annulling the marriage, certified by the proper officer; and

(b) such other material as the issuer may require.

elsewhere.

(2) No issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled elsewhere than in Canada, unless the authorization in writing of the Provincial Secretary is obtained upon the deposit of such material as he may require. *New.*

Prerequisite
to licence.

13.—(1) Before a licence is issued,

(a) both parties to the intended marriage shall make an affidavit (Form 4); or

(b) one of the parties shall make an affidavit (Form 4) and deposit with the issuer,

(i) a birth certificate of the other party, or

(ii) an affidavit by the other party or by some member of his family having personal knowledge of the facts, stating the age, date and place of birth of such other party; provided that where the affidavit is made by the other party to the intended marriage it shall be sufficient to state his age, date and place of birth, according to the best of his knowledge, information and belief.

Place of
affidavit.

(2) The affidavit (Form 4) shall be endorsed on the licence. R.S.O. 1937, c. 207, s. 22 (1), *amended.*

14. Where a marriage is to be solemnized under the authority of a licence it shall not take place earlier than the third day after the date of the issue of the licence, but the Provincial Secretary in his absolute discretion may authorize the solemnization of the marriage earlier than such third day. R.S.O. 1937, c. 207, s. 26 (1), *amended*. Marriage not to be performed within three days of date of licence.

15.—(1) Where a marriage is to be solemnized under the authority of publication of banns the intention to marry shall be proclaimed openly in an audible voice during divine service, Publication of banns.

(a) where the parties are in the habit of attending worship at the same church, being within Canada, at that church; or

(b) where the parties are in the habit of attending worship in different churches, being within Canada, in each such church. R.S.O. 1937, c. 207, s. 4 (2), *part, amended*.

(2) The banns shall be published according to the usage of the denomination, faith or creed of the church in which they are published and during divine Sunday service at least one week before the marriage. R.S.O. 1937, c. 207, s. 4 (3), 5 (1) *part, amended*. Method and time of publication.

(3) Where the usage of any denomination, faith or creed substitutes any other day as the usual and principal day of the week for the celebration of divine service the banns shall be published on such other day. *New*. Exception.

(4) The person or persons who publish banns shall complete proof of publication (Form 5). R.S.O. 1937, c. 207, s. 4 (4), *amended*. Proof of publication.

16. No marriage shall be solemnized under the authority of publication of banns unless proof of publication by the person or persons publishing the banns has been deposited with the person solemnizing the marriage. R.S.O. 1937, c. 207, s. 4 (2), *part, amended*. Idem.

17. Banns shall not be published,

Where banns not to be published.

(a) where either of the parties to the intended marriage has been married and the marriage has been dissolved or annulled; or

(b) where neither of the parties has had his usual place of abode within Ontario for fifteen days immediately preceding the request for publication. *New*.

Time within which marriage to be solemnized.

18. A marriage shall be solemnized only within the three months immediately following the issue of the licence or special permit, or the publication of banns, as the case may be. R.S.O. 1937, c. 207, s. 5 (1), *part, amended*.

Attendance of parties and witnesses.

19. Every marriage shall be solemnized in the presence of the parties and at least two witnesses who shall affix their names as witnesses to the entry in the register made under section 26. R.S.O. 1937, c. 207, s. 5 (3), *amended*.

Marriage certificate.

20. Every person who solemnizes a marriage shall, at the time of the marriage, if required by either of the parties thereto, give a certificate of the marriage specifying the names of the parties, the date of the marriage, the names of the witnesses, and whether the marriage was solemnized under the authority of a licence, special permit or publication of banns. R.S.O. 1937, c. 207, s. 29, *amended*.

Who may solemnize marriage.

21.—(1) No person shall solemnize a marriage unless he is a judge or a magistrate, or is registered under this section as a person authorized to solemnize marriage. *New*.

Application for registration.

(2) Upon application the Provincial Secretary may, subject to subsection 3, register any person as a person authorized to solemnize marriage.

Who may be registered.

(3) No person shall be registered unless it appears to the Provincial Secretary,

- (a) that the person has been ordained or appointed according to the rites and usages of the religious body to which he belongs, or is, by the rules of that religious body, deemed ordained or appointed;
- (b) that the person is duly recognized by the religious body to which he belongs as entitled to solemnize marriage according to its rites and usages;
- (c) that the religious body to which the person belongs is permanently established both as to the continuity of its existence and as to its rites and ceremonies; and
- (d) that the person is resident in Ontario or has his parish or pastoral charge in whole or in part in Ontario; provided that in the case of a person who is in Ontario temporarily and who, if resident in Ontario, might be registered under this section, the Provincial Secretary may register him as authorized to solemnize marriage during a period to be fixed by the Provincial Secretary. R.S.O. 1937, c. 207, s. 2 (1), *part, amended*.

(4) Notwithstanding subsection 1, every marriage solemnized according to the rites, usages and customs of the religious Society of Friends, commonly called Quakers, shall be valid and all the duties imposed by this Act upon a person solemnizing a marriage shall, with respect to such marriage, be performed by the clerk or secretary of the society or of the meeting at which the marriage is solemnized; but nothing herein shall require the marriage to be celebrated or solemnized by such clerk or secretary. R.S.O. 1937, c. 207, s. 3, *amended*.

22.—(1) The Provincial Secretary shall keep a register of the name of every person registered as a person authorized to solemnize marriage, the date of such registration, and such other particulars as he may deem advisable. R.S.O. 1937, c. 207, s. 2 (2), *amended*.

(2) The Provincial Secretary may issue a certificate (Form 6) of registration under this section. R.S.O. 1937, c. 207, s. 2 (1), *part, amended*. Certificate of registration.

23.—(1) Where it appears to the Provincial Secretary that any person registered as authorized to solemnize marriage has ceased to possess the qualifications entitling him to be so registered, or for any other cause, the Provincial Secretary may cancel such registration. R.S.O. 1937, c. 207, s. 2 (2), *amended*. Cancellation of registration.

(2) Every religious body, members of which are registered under this Act, shall notify the Provincial Secretary of the name of every such member so registered who has died or has ceased to reside in Ontario or has ceased to be associated with such religious body. *New*. Notice of change.

24. When a person is registered under this Act as authorized to solemnize marriage, and when any such registration is cancelled, the Provincial Secretary shall publish notice thereof in *The Ontario Gazette*. R.S.O. 1937, c. 207, s. 2 (4), *part, amended*. Publication of registration and cancellation.

25.—(1) A judge or magistrate may solemnize marriage under the authority of a licence or a special permit. Civil marriage.

(2) The marriage shall be solemnized in the judge's chambers or magistrate's office between the hours of nine o'clock in the morning and five o'clock in the afternoon. Place of solemnization.

(3) No particular form of ceremony shall be required except that in some part of the ceremony, in the presence of the judge or magistrate and witnesses, each of the parties shall declare: Form of ceremony.

I do solemnly declare that I do not know of any lawful impediment why I, AB, may not be joined in matrimony to CD,

and each of the parties shall say to the other:

I call upon these persons here present to witness that I, AB, do take thee, CD, to be my lawful wedded wife (*or husband*),

after which the judge or magistrate shall say:

I, EF, Judge (*or Magistrate*) of _____, by virtue of the powers vested in me by *The Marriage Act, 1950*, do hereby pronounce you AB and CD to be husband and wife.

New.

Entry in
marriage
register.

26. Every person shall immediately after he has solemnized a marriage,

- (a) where the marriage was solemnized in a church, enter in the church register kept for the purpose; or
- (b) where the marriage was solemnized elsewhere than in a church, enter in a register kept by him for the purpose,

the particulars set out in Form 7, and the entry shall be authenticated by his signature and those of the parties and witnesses. R.S.O. 1937, c. 207, s. 30, *amended*.

Church
marriage
registers.

27.—(1) Every person registered as authorized to solemnize marriage who is in charge of a church that has not a marriage register shall apply to the clerk of the local municipality in which the church is situate for a marriage register for the church, and the clerk shall thereupon supply such register at the cost of the municipality.

Individual
registers.

(2) Every person registered as authorized to solemnize marriage may apply to the clerk of the local municipality in which he resides for a marriage register for his own use, and the clerk shall thereupon supply such register at the cost of the municipality.

Unorganized
territory.

(3) Where the church is situate or the person is resident in territory without municipal organization, the application referred to in subsection 1 or 2 shall be made to the Provincial Secretary who shall supply such register. R.S.O. 1937, c. 207, s. 31, *amended*.

Judges and
magistrates.

(4) The Provincial Secretary shall supply a marriage register to every judge and magistrate. *New.*

(5) Every marriage register supplied under subsection 1, ^{Property in registers.} 2 or 3 shall be and remain the property of the religious body to which the person who applied for the register belongs, and every marriage register supplied under subsection 4 shall be and remain the property of the Crown. R.S.O. 1937, c. 207, s. 32, *amended*.

28.—(1) Before the solemnization of a marriage the parties ^{Statement of marriage.} to the marriage shall complete the particulars in the statement of marriage (Form 8) endorsed on the licence, special permit or certificate of publication of banns, and leave it with the person who will solemnize the marriage, and forthwith after the solemnization of the marriage,

- (a) the parties to the marriage shall sign the statement;
- (b) at least two witnesses to the marriage shall sign the statement; and
- (c) the person who solemnized the marriage shall complete and sign the certificate on the statement.

(2) Within two days after the day of the marriage, the ^{To be forwarded to Registrar-General.} person who solemnized the marriage shall forward the statement, duly completed in accordance with subsection 1, to the Registrar-General. 1949, c. 55, s. 1, *amended*.

29.—(1) Marriage licences may be issued by the clerk of ^{Ex officio issuers.} every city, town and village and by every magistrate in territory without municipal organization and every such clerk and magistrate shall be *ex officio* an issuer of marriage licences.

(2) Where it is deemed expedient for the public ^{In townships and unorganized territory.} convenience the Lieutenant-Governor in Council may appoint as an issuer the clerk of any township, or any person resident in the Provisional County of Haliburton, or in a township adjacent thereto, or in a provisional judicial district. R.S.O. 1937, c. 207, s. 8, *amended*.

30.—(1) An issuer may, with the approval in writing of ^{Deputy issuers.} the Provincial Secretary or of the head of the council of the municipality of which he is clerk, appoint in writing one or more deputies to act for him, and any such deputy while so acting shall have the power of the issuer appointing him.

(2) The issuer shall, upon appointing a deputy, forthwith ^{Notice of appointment of deputy.} transmit to the Provincial Secretary a notice of the appointment, and of the reason therefor, and of the name and official position of the person by whom the appointment has been approved, and the Provincial Secretary may at any time cancel the appointment.

Signature of
licences by
deputy.

(3) The deputy shall sign each licence issued by him with the name of the issuer as well as his own name in the following manner:

AB, Issuer of Marriage Licences, per CD, Deputy Issuer.

R.S.O. 1937, c. 207, s. 11, *amended*.

Validity of
licences and
special
permits.

31. Every licence under the hand and seal of the Lieutenant-Governor or his deputy and every special permit issued under the hand and seal of the Provincial Secretary or Deputy Provincial Secretary for the purpose of the solemnization of a marriage, shall be and remain valid notwithstanding that the Lieutenant-Governor or his deputy, or the Provincial Secretary or the Deputy Provincial Secretary, as the case may be, has ceased to hold office before the time of the issue of the licence or special permit. R.S.O. 1937, c. 207, s. 9; 1947, c. 62, s. 1, *amended*.

Evidence on
applications.

32. An issuer or the Provincial Secretary may require evidence to identify any applicant or to establish his status and may examine, under oath if required, any applicant or other person as to any matter pertaining to the issue of a licence or special permit. R.S.O. 1937, c. 207, s. 12, *amended*.

Record of
licences.

33.—(1) Every issuer shall keep in his office a record of the serial number and the date of issue of every licence issued by him, and the names and addresses of the parties to the intended marriage.

Searches.

(2) Any person shall be entitled, upon application, to have a search made respecting any licence issued within three months immediately preceding the date of application. R.S.O. 1937, c. 207, s. 13, *amended*.

Untrue
information.

34. Where an issuer has reason to believe that any information set out in the affidavit (Form 4) is untrue, he shall not issue the licence unless, on the production of such further evidence as he may require, he is satisfied as to the truth of the information. R.S.O. 1937, c. 207, s. 24, *amended*.

Material to
be for-
warded, to
Provincial
Secretary;

35.—(1) Every issuer shall, immediately upon issuing a licence, forward to the Provincial Secretary such of the particulars contained in Form 4 as the Provincial Secretary may require.

to Registrar-
General.

(2) Every issuer immediately upon issuing a licence and every person registered as authorized to solemnize marriage upon publishing banns shall forward to the Registrar-General the following:

1. Any consent under section 7 or 8.
2. Any certificate of a medical practitioner under section 8.
3. Any judge's order under section 9.
4. Any judge's order under section 11.
5. Any affidavit (Form 3) under section 11.
6. The copy of any decree, judgment or Act dissolving or annulling a marriage and any other material under section 12.
7. Any affidavit as to age under section 13.
8. Any birth certificate under section 13.
9. Any documentary material obtained under section 32 or 34. 1947, c. 62, s. 2, *amended*.

36. Issuers may administer oaths for the purposes of this Oaths. Act. R.S.O. 1937, c. 207, s. 22 (1), *amended*.

37.—(1) The fee for a licence shall be \$5 of which sum \$4 Licence fee. shall be remitted by the issuer to the Treasurer of Ontario.

(2) The issuer shall retain \$1 from the licence fee for his Idem. own use.

(3) Where the issuer is the clerk of a municipality, the council of the municipality may commute the issuer's fees Commutation of clerk's fees. provided for in subsection 2 for a fixed sum, not exceeding \$2,000, payable annually by the municipality to the issuer, in which case the fees that would otherwise be retained by the issuer shall belong to the municipality.

(4) When the council and the issuer do not agree upon the Idem. amount of the commutation, the amount may be fixed by a judge. R.S.O. 1937, c. 207, s. 27, *amended*.

38. The fee for an authorization under subsection 2 of section 5 shall be \$5. R.S.O. 1937, c. 207, s. 22 (3), *amended*. Non-resident fee.

39. The costs of an application under section 11 shall be fixed by the judge and paid by the applicant. *New.* Costs on order of presumption of death.

40. The fee for the solemnization of a marriage by a judge or magistrate shall be \$10 which shall be remitted by the judge or magistrate, as the case may be, to the Treasurer of Ontario. *New.* Fee on marriage by judge or magistrate.

Property in
unissued
licences.

41. Every issuer and every other person having unissued licenses in his possession, custody, or control, shall, whenever required so to do, transmit them to the Provincial Secretary, and the property in all unissued licences shall be and remain in the Crown. R.S.O. 1937, c. 207, s. 15, *amended*.

Protection
of persons
solemnizing
marriage in
good faith.

42. No person who solemnizes or purports to solemnize a marriage shall be subject to any action or liability by reason of there having been any legal impediment to the marriage unless, at the time he performed the ceremony, he was aware of the impediment. R.S.O. 1937, c. 207, s. 6, *amended*.

Prohibited
degrees to
be endorsed.

43.—(1) Form 9 respecting the prohibited degrees of affinity and consanguinity shall be endorsed on the licence and on the proof of publication of banns.

Changes in
prohibited
degrees.

(2) If at any time changes are made in the law affecting the prohibited degrees of affinity and consanguinity, the Lieutenant-Governor in Council may direct changes to be made in Form 9 so as to make it conformable to the law for the time being. R.S.O. 1937, c. 207, s. 23, *amended*.

Marriages
solemnized
in good
faith.

44. If the parties to a marriage solemnized in good faith and intended to be in compliance with this Act are not under a legal disqualification to contract such marriage and after such solemnization have lived together and cohabited as man and wife, such marriage shall be deemed a valid marriage, notwithstanding that the person who solemnized the marriage was not authorized to solemnize marriage, and notwithstanding the absence of or any irregularity or insufficiency in the publication of banns or the issue of the licence or special permit. R.S.O. 1937, c. 207, s. 33, *amended*.

Issue of
licence by
unauthorized
persons.

45. Every person who issues a licence, unless authorized so to do, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$100 and not more than \$300 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1937, c. 207, s. 10, *amended*.

Marriage of
mental
defectives,
etc.

46. Every issuer who issues a licence and every person who solemnizes a marriage, knowing or having reason to believe that either of the parties to the intended marriage or to the marriage is mentally defective or mentally ill or is under the influence of intoxicating liquor or narcotic drugs, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1937, c. 207, s. 20, *amended*.

47. Every person not registered as a person authorized to solemnize marriage who solemnizes or undertakes to solemnize any marriage, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1937, c. 207, s. 21, *amended*. Marriage by unauthorized person.

48. Every person who knowingly makes any false statement in any document required under this Act, in addition to any other penalty or punishment to which he may be liable, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1937, c. 207, s. 34 (1), *amended*. False statements.

49. Every person who fails to comply with any provision of this Act for which no other penalty is provided shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. R.S.O. 1937, c. 207, s. 34 (2), *amended*. Where no other penalty provided.

50. So many of the provisions of *The Divorce Act (Ontario)*, 1930 (Canada) as are or may be within the legislative competence of this Legislature, are hereby enacted as if fully set out in this Act. R.S.O. 1937, c. 207, s. 35. 1930, c. 14 (Can.), confirmed.

51. Every registration and every appointment under *The Marriage Act* shall, subject to the provisions hereof, continue in force under this Act. *New*. Existing registrations, etc., continued.

52. *The Marriage Act*, section 18 of *The Statute Law Amendment Act, 1941*, *The Marriage Amendment Act, 1947* and *The Marriage Amendment Act, 1949* are repealed. Rev. Stat., c. 207; 1941, c. 55, s. 18; 1947, c. 62; 1949, c. 55; repealed.

53. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

54. This Act may be cited as *The Marriage Act, 1950*. Short title.

FORM 1

(Section 4 (2))

Serial No.

PROVINCE OF ONTARIO

By

Lieutenant-Governor of the Province of Ontario

I do hereby authorize by this licence the solemnization of marriage between

..... of and
(name in full) (address)

..... of
(name in full) (address)

Provided always that, by reason of any Affinity, Consanguinity, Prior Marriage, or other Lawful Cause there is no Legal impediment in this behalf; but if otherwise, this licence shall be null and void to all intents and purposes whatsoever.

GIVEN under my Hand and Seal at the City of Toronto in the Province of Ontario this day of in the year of Our Lord and in the Year of His Majesty's Reign.

Issued this day of 19....

.....
Issuer of Marriage Licences at

.....

New.

FORM 2

(Section 4 (3))

SPECIAL PERMIT

I,
Provincial Secretary, hereby authorize the marriage of

.....
of the of

and

of the of

GIVEN under my hand and seal at
this day of 19....

.....
(Provincial Secretary)

R.S.O. 1937, c. 207, Form 2, amended.

FORM 3

(Section 11 (3))

AFFIDAVIT REGARDING PRESUMPTION OF DEATH

Canada:
Province of Ontario,

To Wit:

}

I, , do solemnly swear that:

1. A marriage is intended to be solemnized in the Province of Ontario, between the following parties, of whom I am one, namely:

Intended Bridegroom (*name in full*)

Residence (*address in full*)

and

Intended Bride (*name in full*)

Residence (*address in full*)

2. I was married to (name in full)
on (*date*) at (*place*)

3. I have obtained from a judge of the County (*or District*) Court of the County (*or District*) ofan order declaring that the said. (*name in full*) shall be presumed dead.

4. I still have no reason to believe that the said. is living.

5. I have given careful consideration to the question of the validity of the intended marriage between (the other party to the intended marriage) and myself and understand that and have advised. (the other party to the intended marriage) that if. (the person presumed dead) is not in fact dead at the time of the solemnization of the intended marriage, the said marriage shall be void.

6. I have shown. (the other party to the intended marriage) a copy of the said order of presumption of death.

SWORN before me at the
of
in the of
, this
day of
A.D.

}

New.

[illegible]

That, for the space of fifteen days immediately preceding the date of this affidavit.....
 That I believe there is no affinity, consanguinity, prior marriage or other lawful cause or legal impediment to bar or hinder the solemnization of the marriage, and
 That the contents set forth herein are to the best of..... knowledge, information and belief, true in every particular:
 (my, his, her or our) (my or our)

Names in full			
Occupation		Age	Age
Condition in Life			<i>Spinster, Widow or Divorcee</i>
Religious Denomination			
Residence			
Place of Birth			
Intended Place of Marriage			

SWORN before me at the.....
ofin the County or District of
this(*write date in words not numerals*)
day of19.....
Issuer of Marriage Licences at.....
(*signature of Issuer or Deputy Issuer, as case may be*)
.....(*signature of deponent or deponents, as case may be*)

FORM 5

(Section 15 (4))

No.....

PROOF OF PUBLICATION

I duly published the banns of marriage between.....

 of the.....of.....
 and.....
 of the.....of.....
 in.....Church in
 the.....of.....

I further certify that I verily believe the said

 (and)
 (is or are) in the habit of attending worship at the said Church.

Dated this.....day of.....19.....

.....
 (Signature)

.....
 (Address)

R.S.O. 1937, c. 207, Form 1, *amended*.

FORM 6

(Section 22 (2))

No.....

CERTIFICATE OF REGISTRATION

as a person authorized to solemnize marriage

Pursuant to THE MARRIAGE ACT, I certify that.....

 of the.....of.....
 in the.....of.....
 is registered as a person authorized to solemnize marriage in the
 PROVINCE OF ONTARIO.

GIVEN under my hand at the Parliament Buildings at the City of
 Toronto in the Province of Ontario this.....
 day of.....19....

(Deputy) Provincial Secretary.

FORM 7

(Section 26)

REGISTER OF MARRIAGES

	BRIDEGROOM
Name in full	
Age	
Residence when married	
Place of birth	
Bachelor, Widower or Divorcee (B., W. or D.)	
Occupation	
Religious Denomination of Bridegroom	
Names of Parents	
	BRIDE
Name in full	
Age	
Residence when married	
Place of birth	
Spinster, Widow or Divorcee (S., W. or D.)	
Religious Denomination of Bride	
Names of Parents	
Whether Married by Licence or Banns (L. or B.)	
SIGNATURES	
of Bridegroom	
of Bride	
of Witnesses	
	Residence.....
	Residence.....

I certify the above-named parties were married by me at
 19 , in the County of , this day of

.....
 (Signature)

.....
 (Address)

R.S.O. 1937, c. 207, Form 4, *amended*.

FORM 8

(Section 28 (1))

STATEMENT OF MARRIAGE

(For use of Registrar-General only)

1. Place of Marriage: The of in the of
 (city, town, village or township) (county or territorial district)
2. Date of Marriage: (month by name) (day) (year)
 Licence ☐ Banns ☐
 (Place X in proper square)

Bridegroom		Bride	
4.	Surname Given Names	17.	
5. The of in the of (city, town, village or township) (county or territorial district)	Residence	18. The of in the of (city, town, village or township) (county or territorial district)	
6. (Bachelor, Widower, Divorcee)	Marital Status	19. (Spinster, Widow, Divorcee)	
7.	Religious Denomination	20.	
8. Age 9. Citizenship 10. Origin (in years)	Age Citizenship Racial Origin	21. Age 22. Citizenship 23. Origin (in years)	
11. (If in Canada state Province; if foreign born state country)	Place of Birth	24. (If in Canada state Province; if foreign born state country)	
12.	Occupation	25.	
13.	Name of Father Surname Given Names	26.	
14.	Maiden Name of Mother Maiden Surname Given Names	27.	
15. (Province or Country)	Birthplace of Father	28. (Province or Country)	
16. (Province or Country)	Birthplace of Mother	29. (Province or Country)	

.....
 (Signature of Bridegroom)

 (Signature of Witness)

 (Address of Witness)

I CERTIFY that I solemnized the marriage of the parties named in Items 4 and 17 on the date and at the place set out above.
 *Registration No.
 *Religious Denomination

.....
 (Signature of person solemnizing the marriage)

 (Post Office Address)
 Date

*These items not to be completed by a judge or magistrate.

FORM 9

(Section 43)

Degrees of affinity and consanguinity which, under the statutes in that behalf, bar the lawful solemnization of marriage.

A man may not marry his

1. Grandmother
2. Grandfather's wife
3. Wife's grandmother
4. Aunt
- †5. Uncle's wife
6. Wife's aunt
7. Mother
8. Step mother
9. Wife's mother
10. Daughter
11. Wife's daughter
12. Son's wife
13. Sister
14. Granddaughter
15. Grandson's wife
16. Wife's granddaughter
17. Niece
18. Nephew's wife
19. Wife's niece*
- †20. Brother's wife

A woman may not marry her

1. Grandfather
2. Grandmother's husband
3. Husband's grandfather
4. Uncle
5. Aunt's husband*
6. Husband's uncle
7. Father
8. Step father
9. Husband's father
10. Son
11. Husband's son
12. Daughter's husband
13. Brother
14. Grandson
15. Granddaughter's husband
16. Husband's grandson
17. Nephew
18. Niece's husband
- †19. Husband's nephew
- †20. Husband's brother

The relationships set forth in this table include all such relationships, whether by the whole or half blood, and whether legitimate or illegitimate.

*By the Revised Statutes of Canada, 1927, c. 127, s. 2 (1932, c. 10), it is enacted that "A marriage is not invalid merely because the woman is a sister of a deceased wife of the man, or a daughter of a sister or brother of a deceased wife of the man."

†By the Revised Statutes of Canada, 1927, c. 127, s. 3 (1932, c. 10), it is enacted that "A marriage is not invalid merely because the man is a brother of a deceased husband of the woman or a son of a brother or sister of a deceased husband of the woman."

R.S.O. 1937, c. 207, Form 5, *amended*.

BILL

The Marriage Act, 1950

1st Reading

March 3rd, 1950

2nd Reading

March 22nd, 1950

3rd Reading

MR. WELSH

*(Reprinted as amended in Committee of the
Whole House.)*

No. 87

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL
The Marriage Act, 1950.

MR. WELSH

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 87

1950

BILL

The Marriage Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion.

- (a) "church" includes chapel, meeting-house or place set aside for religious worship;
- (b) "issuer" means a person authorized under this Act to issue marriage licences;
- (c) "judge" means a judge or junior judge of a county or district court;
- (d) "licence" means a marriage licence issued under this Act;
- (e) "magistrate" means a magistrate appointed under *The Magistrates Act*. *New.*

Rev. Stat.,
c. 133.

2. The administration of this Act shall be under the direction of the Provincial Secretary. *New.*

Administra-
tion.

3. With the consent of the Provincial Secretary the Deputy Provincial Secretary may have, use and exercise any power, right or authority conferred by this Act on the Provincial Secretary. *New.*

Delegation
of Minister's
powers.

4.—(1) No marriage may be solemnized except under the authority of a licence, special permit, or publication of banns.

Authority
to marry.

(2) The Lieutenant-Governor or his deputy may authorize by licence (Form 1) the solemnization of marriage. R.S.O. 1937, c. 207, s. 4 (1), *amended.*

Licence.

(3) The Provincial Secretary may authorize by special permit (Form 2) the solemnization of marriage. *New.*

Special
permit.

Who may
marry,
residents;

5.—(1) Any person who is eighteen years of age or more may obtain a licence or a special permit or be married under authority of publication of banns, provided no lawful cause exists to hinder the solemnization. *New.*

non-
residents.

(2) No licence shall be issued where neither of the parties to the intended marriage has, for fifteen days immediately preceding the date of the application for a licence, had his usual place of abode within Ontario, unless the Provincial Secretary, in writing, authorizes the issue thereof. R.S.O. 1937, c. 207, s. 22 (2), *amended.*

Persons
mentally
ill, etc.

6. No person shall issue a licence or special permit to or solemnize the marriage of any person who is mentally ill or mentally defective, or who is under the influence of intoxicating liquor or narcotic drugs. R.S.O. 1937, c. 207, s. 20, *amended.*

Consent to
marriage
under
eighteen,
father;

7.—(1) No person shall,

(a) issue a licence or special permit to; or

(b) solemnize under the authority of publication of banns, the marriage of,

any person under the age of eighteen years unless the consent in writing of the father is obtained.

mother;

(2) Where the father is dead, or is living apart from the mother and such person and is not maintaining or contributing to the support of such person, the consent in writing of the mother shall be obtained.

guardian.

(3) Where a guardian has been appointed, his consent in writing only shall be obtained.

Exceptions.

(4) Notwithstanding subsections 1 to 3, a licence may be issued to a person under the age of eighteen years if the issuer is satisfied that both parents are dead and no guardian has been appointed or that the person whose consent is required is declared mentally ill or is confined in a hospital for mentally ill or mentally defective persons, or is not resident in Ontario or cannot be found.

Deposit of
consent.

(5) Any consent required by this section shall be deposited with the person issuing the licence or special permit or solemnizing the marriage, as the case may be. R.S.O. 1937, c. 207, s. 17, *amended.*

8. No person shall,

Person under
fourteen
years.

(a) issue a licence or special permit to; or

(b) solemnize under the authority of publication of banns,
the marriage of,

any person under the age of fourteen years unless section 7 is complied with and a certificate of a legally qualified medical practitioner, stating that the marriage is necessary to prevent illegitimacy of offspring, is deposited with the person issuing the licence or special permit or solemnizing the marriage. R.S.O. 1937, c. 207, s. 18, *amended*.

9.—(1) Where the person whose consent is required under section 7 unreasonably or arbitrarily withholds his consent or is by his actions not interested in the maintenance or well-being of the person in respect of whose marriage the consent is required, or where it is uncertain whose consent is required, the person in respect of whose marriage consent is required may apply to a judge without the intervention of a next friend for an order under this section.

Application
to dispense
with consent.

(2) The judge shall hear the application in a summary manner and may make an order dispensing with the consent. *New.*

Order.

10. Notwithstanding anything in this Act, if the Provincial Secretary considers that circumstances justify the issue of a licence or a special permit in any particular case, he may, in his absolute discretion, authorize the issue of a licence or issue a special permit. R.S.O. 1937, c. 207, s. 19, *amended*.

Discretion-
ary power
of Minister.

11.—(1) A married person whose spouse is missing and who alleges,

Application
for presump-
tion of death.

(a) that his spouse has been continuously absent for at least seven years immediately preceding the application;

(b) that his spouse has not been heard from or heard of during such period by the applicant or to the knowledge of the applicant by any other person; and

(c) that the applicant has made reasonable inquiries and has no reason to believe that his spouse is living,

may apply to a judge for an order under this section.

(2) Upon being satisfied as to the truth of the matters alleged, the judge may, in his discretion, make an order declaring that the spouse shall be presumed dead.

Order.

Effect of
order.

(3) Where an order has been obtained under this section, the person in whose favour the order was made may, subject to the provisions of this Act, obtain a licence or special permit or be married under the authority of publication of banns upon depositing a copy of the order with the person issuing the licence or special permit or solemnizing the marriage together with an affidavit (Form 3).

Idem.

(4) Except for the purposes of subsection 3, the order shall have no effect. *New.*

Divorced
persons,
in Canada;

12.—(1) No issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled in Canada unless such person deposits with the issuer,

(a) a copy of the final decree or judgment or of the Act dissolving or annulling the marriage, certified by the proper officer; and

(b) such other material as the issuer may require.

elsewhere.

(2) No issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled elsewhere than in Canada, unless the authorization in writing of the Provincial Secretary is obtained upon the deposit of such material as he may require. *New.*

Prerequisite
to licence.

13.—(1) Before a licence is issued,

(a) both parties to the intended marriage shall make an affidavit (Form 4); or

(b) one of the parties shall make an affidavit (Form 4) and deposit with the issuer,

(i) a birth certificate of the other party, or

(ii) an affidavit by the other party or by some member of his family having personal knowledge of the facts, stating the age, date and place of birth of such other party; provided that where the affidavit is made by the other party to the intended marriage it shall be sufficient to state his age, date and place of birth, according to the best of his knowledge, information and belief.

Place of
affidavit.

(2) The affidavit (Form 4) shall be endorsed on the licence. R.S.O. 1937, c. 207, s. 22 (1), *amended.*

14. Where a marriage is to be solemnized under the authority of a licence it shall not take place earlier than the third day after the date of the issue of the licence, but the Provincial Secretary in his absolute discretion may authorize the solemnization of the marriage earlier than such third day. R.S.O. 1937, c. 207, s. 26 (1), *amended*. Marriage not to be performed within three days of date of licence.

15.—(1) Where a marriage is to be solemnized under the authority of publication of banns the intention to marry shall be proclaimed openly in an audible voice during divine service, Publication of banns.

(a) where the parties are in the habit of attending worship at the same church, being within Canada, at that church; or

(b) where the parties are in the habit of attending worship in different churches, being within Canada, in each such church. R.S.O. 1937, c. 207, s. 4 (2), *part, amended*.

(2) The banns shall be published according to the usage of the denomination, faith or creed of the church in which they are published and during divine Sunday service at least one week before the marriage. R.S.O. 1937, c. 207, s. 4 (3), 5 (1) *part, amended*. Method and time of publication.

(3) Where the usage of any denomination, faith or creed substitutes any other day as the usual and principal day of the week for the celebration of divine service the banns shall be published on such other day. *New*. Exception.

(4) The person or persons who publish banns shall complete proof of publication (Form 5). R.S.O. 1937, c. 207, s. 4 (4), *amended*. Proof of publication.

16. No marriage shall be solemnized under the authority of publication of banns unless proof of publication by the person or persons publishing the banns has been deposited with the person solemnizing the marriage. R.S.O. 1937, c. 207, s. 4 (2), *part, amended*. Idem.

17. Banns shall not be published,

(a) where either of the parties to the intended marriage has been married and the marriage has been dissolved or annulled; or

(b) where neither of the parties has had his usual place of abode within Ontario for fifteen days immediately preceding the request for publication. *New*. Where banns not to be published.

Time within which marriage to be solemnized.

18. A marriage shall be solemnized only within the three months immediately following the issue of the licence or special permit, or the publication of banns, as the case may be. R.S.O. 1937, c. 207, s. 5 (1), *part, amended*.

Attendance of parties and witnesses.

19. Every marriage shall be solemnized in the presence of the parties and at least two witnesses who shall affix their names as witnesses to the entry in the register made under section 26. R.S.O. 1937, c. 207, s. 5 (3), *amended*.

Marriage certificate.

20. Every person who solemnizes a marriage shall, at the time of the marriage, if required by either of the parties thereto, give a certificate of the marriage specifying the names of the parties, the date of the marriage, the names of the witnesses, and whether the marriage was solemnized under the authority of a licence, special permit or publication of banns. R.S.O. 1937, c. 207, s. 29, *amended*.

Who may solemnize marriage.

21.—(1) No person shall solemnize a marriage unless he is a judge or a magistrate, or is registered under this section as a person authorized to solemnize marriage. *New*.

Application for registration.

(2) Upon application the Provincial Secretary may, subject to subsection 3, register any person as a person authorized to solemnize marriage.

Who may be registered.

(3) No person shall be registered unless it appears to the Provincial Secretary,

- (a) that the person has been ordained or appointed according to the rites and usages of the religious body to which he belongs, or is, by the rules of that religious body, deemed ordained or appointed;
- (b) that the person is duly recognized by the religious body to which he belongs as entitled to solemnize marriage according to its rites and usages;
- (c) that the religious body to which the person belongs is permanently established both as to the continuity of its existence and as to its rites and ceremonies; and
- (d) that the person is resident in Ontario or has his parish or pastoral charge in whole or in part in Ontario; provided that in the case of a person who is in Ontario temporarily and who, if resident in Ontario, might be registered under this section, the Provincial Secretary may register him as authorized to solemnize marriage during a period to be fixed by the Provincial Secretary. R.S.O. 1937, c. 207, s. 2 (1), *part, amended*.

(4) Notwithstanding subsection 1, every marriage solemnized according to the rites, usages and customs of the religious Society of Friends, commonly called Quakers, shall be valid and all the duties imposed by this Act upon a person solemnizing a marriage shall, with respect to such marriage, be performed by the clerk or secretary of the society or of the meeting at which the marriage is solemnized; but nothing herein shall require the marriage to be celebrated or solemnized by such clerk or secretary. R.S.O. 1937, c. 207, s. 3, *amended*.

22.—(1) The Provincial Secretary shall keep a register of the name of every person registered as a person authorized to solemnize marriage, the date of such registration, and such other particulars as he may deem advisable. R.S.O. 1937, c. 207, s. 2 (2), *amended*. Register.

(2) The Provincial Secretary may issue a certificate (Form 6) of registration under this section. R.S.O. 1937, c. 207, s. 2 (1), *part, amended*. Certificate of registration.

23.—(1) Where it appears to the Provincial Secretary that any person registered as authorized to solemnize marriage has ceased to possess the qualifications entitling him to be so registered, or for any other cause, the Provincial Secretary may cancel such registration. R.S.O. 1937, c. 207, s. 2 (2), *amended*. Cancellation of registration.

(2) Every religious body, members of which are registered under this Act, shall notify the Provincial Secretary of the name of every such member so registered who has died or has ceased to reside in Ontario or has ceased to be associated with such religious body. *New*. Notice of change.

24. When a person is registered under this Act as authorized to solemnize marriage, and when any such registration is cancelled, the Provincial Secretary shall publish notice thereof in *The Ontario Gazette*. R.S.O. 1937, c. 207, s. 2 (4), *part, amended*. Publication of registration and cancellation.

25.—(1) A judge or magistrate may solemnize marriage under the authority of a licence or a special permit. Civil marriage.

(2) The marriage shall be solemnized in the judge's chambers or magistrate's office between the hours of nine o'clock in the morning and five o'clock in the afternoon. Place of solemnization.

(3) No particular form of ceremony shall be required except that in some part of the ceremony, in the presence of the judge or magistrate and witnesses, each of the parties shall declare: Form of ceremony.

I do solemnly declare that I do not know of any lawful impediment why I, AB, may not be joined in matrimony to CD,

and each of the parties shall say to the other:

I call upon these persons here present to witness that I, AB, do take thee, CD, to be myl awful wedded wife (*or* husband),

after which the judge or magistrate shall say:

I, EF, Judge (*or* Magistrate) of _____, by virtue of the powers vested in me by *The Marriage Act, 1950*, do hereby pronounce you AB and CD to be husband and wife.

New.

Entry in
marriage
register.

26. Every person shall immediately after he has solemnized a marriage,

- (a) where the marriage was solemnized in a church, enter in the church register kept for the purpose; or
- (b) where the marriage was solemnized elsewhere than in a church, enter in a register kept by him for the purpose,

the particulars set out in Form 7, and the entry shall be authenticated by his signature and those of the parties and witnesses. R.S.O. 1937, c. 207, s. 30, *amended*.

Church
marriage
registers.

27.—(1) Every person registered as authorized to solemnize marriage who is in charge of a church that has not a marriage register shall apply to the clerk of the local municipality in which the church is situate for a marriage register for the church, and the clerk shall thereupon supply such register at the cost of the municipality.

Individual
registers.

(2) Every person registered as authorized to solemnize marriage may apply to the clerk of the local municipality in which he resides for a marriage register for his own use, and the clerk shall thereupon supply such register at the cost of the municipality.

Unorganized
territory.

(3) Where the church is situate or the person is resident in territory without municipal organization, the application referred to in subsection 1 or 2 shall be made to the Provincial Secretary who shall supply such register. R.S.O. 1937, c. 207, s. 31, *amended*.

Judges and
magistrates.

(4) The Provincial Secretary shall supply a marriage register to every judge and magistrate. *New.*

(5) Every marriage register supplied under subsection 1, ^{Property in registers.} 2 or 3 shall be and remain the property of the religious body to which the person who applied for the register belongs, and every marriage register supplied under subsection 4 shall be and remain the property of the Crown. R.S.O. 1937, c. 207, s. 32, *amended*.

28.—(1) Before the solemnization of a marriage the parties ^{Statement of marriage.} to the marriage shall complete the particulars in the statement of marriage (Form 8) endorsed on the licence, special permit or certificate of publication of banns, and leave it with the person who will solemnize the marriage, and forthwith after the solemnization of the marriage,

- (a) the parties to the marriage shall sign the statement;
- (b) at least two witnesses to the marriage shall sign the statement; and
- (c) the person who solemnized the marriage shall complete and sign the certificate on the statement.

(2) Within two days after the day of the marriage, the ^{To be forwarded to Registrar-General.} person who solemnized the marriage shall forward the statement, duly completed in accordance with subsection 1, to the Registrar-General. 1949, c. 55, s. 1, *amended*.

29.—(1) Marriage licences may be issued by the clerk of ^{Ex officio issuers.} every city, town and village and by every magistrate in territory without municipal organization and every such clerk and magistrate shall be *ex officio* an issuer of marriage licences.

(2) Where it is deemed expedient for the public ^{In townships and unorganized territory.} convenience the Lieutenant-Governor in Council may appoint as an issuer the clerk of any township, or any person resident in the Provisional County of Haliburton, or in a township adjacent thereto, or in a provisional judicial district. R.S.O. 1937, c. 207, s. 8, *amended*.

30.—(1) An issuer may, with the approval in writing of ^{Deputy issuers.} the Provincial Secretary or of the head of the council of the municipality of which he is clerk, appoint in writing one or more deputies to act for him, and any such deputy while so acting shall have the power of the issuer appointing him.

(2) The issuer shall, upon appointing a deputy, forthwith ^{Notice of appointment of deputy.} transmit to the Provincial Secretary a notice of the appointment, and of the reason therefor, and of the name and official position of the person by whom the appointment has been approved, and the Provincial Secretary may at any time cancel the appointment.

Signature of
licences by
deputy.

(3) The deputy shall sign each licence issued by him with the name of the issuer as well as his own name in the following manner:

AB, Issuer of Marriage Licences, per CD, Deputy Issuer.

R.S.O. 1937, c. 207, s. 11, *amended*.

Validity of
licences and
special
permits.

31. Every licence under the hand and seal of the Lieutenant-Governor or his deputy and every special permit issued under the hand and seal of the Provincial Secretary or Deputy Provincial Secretary for the purpose of the solemnization of a marriage, shall be and remain valid notwithstanding that the Lieutenant-Governor or his deputy, or the Provincial Secretary or the Deputy Provincial Secretary, as the case may be, has ceased to hold office before the time of the issue of the licence or special permit. R.S.O. 1937, c. 207, s. 9; 1947, c. 62, s. 1, *amended*.

Evidence on
applications.

32. An issuer or the Provincial Secretary may require evidence to identify any applicant or to establish his status and may examine, under oath if required, any applicant or other person as to any matter pertaining to the issue of a licence or special permit. R.S.O. 1937, c. 207, s. 12, *amended*.

Record of
licences.

33.—(1) Every issuer shall keep in his office a record of the serial number and the date of issue of every licence issued by him, and the names and addresses of the parties to the intended marriage.

Searches.

(2) Any person shall be entitled, upon application, to have a search made respecting any licence issued within three months immediately preceding the date of application. R.S.O. 1937, c. 207, s. 13, *amended*.

Untrue
information.

34. Where an issuer has reason to believe that any information set out in the affidavit (Form 4) is untrue, he shall not issue the licence unless, on the production of such further evidence as he may require, he is satisfied as to the truth of the information. R.S.O. 1937, c. 207, s. 24, *amended*.

Material to
be for-
warded, to
Provincial
Secretary;

35.—(1) Every issuer shall, immediately upon issuing a licence, forward to the Provincial Secretary such of the particulars contained in Form 4 as the Provincial Secretary may require.

to Registrar-
General.

(2) Every issuer immediately upon issuing a licence and every person registered as authorized to solemnize marriage upon publishing banns shall forward to the Registrar-General the following:

1. Any consent under section 7 or 8.
2. Any certificate of a medical practitioner under section 8.
3. Any judge's order under section 9.
4. Any judge's order under section 11.
5. Any affidavit (Form 3) under section 11.
6. The copy of any decree, judgment or Act dissolving or annulling a marriage and any other material under section 12.
7. Any affidavit as to age under section 13.
8. Any birth certificate under section 13.
9. Any documentary material obtained under section 32 or 34. 1947, c. 62, s. 2, *amended*.

36. Issuers may administer oaths for the purposes of this Oaths. Act. R.S.O. 1937, c. 207, s. 22 (1), *amended*.

37.—(1) The fee for a licence shall be \$5 of which sum \$4 Licence fee. shall be remitted by the issuer to the Treasurer of Ontario.

(2) The issuer shall retain \$1 from the licence fee for his Idem. own use.

(3) Where the issuer is the clerk of a municipality, the council of the municipality may commute the issuer's fees Commutation of clerk's fees. provided for in subsection 2 for a fixed sum, not exceeding \$2,000, payable annually by the municipality to the issuer, in which case the fees that would otherwise be retained by the issuer shall belong to the municipality.

(4) When the council and the issuer do not agree upon the Idem. amount of the commutation, the amount may be fixed by a judge. R.S.O. 1937, c. 207, s. 27, *amended*.

38. The fee for an authorization under subsection 2 of section 5 shall be \$5. R.S.O. 1937, c. 207, s. 22 (3), *amended*. Non-resident fee.

39. The costs of an application under section 11 shall be fixed by the judge and paid by the applicant. *New.* Costs on order of presumption of death.

40. The fee for the solemnization of a marriage by a judge or magistrate shall be \$10 which shall be remitted by the judge or magistrate, as the case may be, to the Treasurer of Ontario. *New.* Fee on marriage by judge or magistrate.

Property in
unissued
licences.

41. Every issuer and every other person having unissued licenses in his possession, custody, or control, shall, whenever required so to do, transmit them to the Provincial Secretary, and the property in all unissued licences shall be and remain in the Crown. R.S.O. 1937, c. 207, s. 15, *amended*.

Protection
of persons
solemnizing
marriage in
good faith.

42. No person who solemnizes or purports to solemnize a marriage shall be subject to any action or liability by reason of there having been any legal impediment to the marriage unless, at the time he performed the ceremony, he was aware of the impediment. R.S.O. 1937, c. 207, s. 6, *amended*.

Prohibited
degrees to
be endorsed.

43.—(1) Form 9 respecting the prohibited degrees of affinity and consanguinity shall be endorsed on the licence and on the proof of publication of banns.

Changes in
prohibited
degrees.

(2) If at any time changes are made in the law affecting the prohibited degrees of affinity and consanguinity, the Lieutenant-Governor in Council may direct changes to be made in Form 9 so as to make it conformable to the law for the time being. R.S.O. 1937, c. 207, s. 23, *amended*.

Marriages
solemnized
in good
faith.

44. If the parties to a marriage solemnized in good faith and intended to be in compliance with this Act are not under a legal disqualification to contract such marriage and after such solemnization have lived together and cohabited as man and wife, such marriage shall be deemed a valid marriage, notwithstanding that the person who solemnized the marriage was not authorized to solemnize marriage, and notwithstanding the absence of or any irregularity or insufficiency in the publication of banns or the issue of the licence or special permit. R.S.O. 1937, c. 207, s. 33, *amended*.

Issue of
licence by
unauthorized
persons.

45. Every person who issues a licence, unless authorized so to do, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$100 and not more than \$300 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1937, c. 207, s. 10, *amended*.

Marriage of
mental
defectives,
etc.

46. Every issuer who issues a licence and every person who solemnizes a marriage, knowing or having reason to believe that either of the parties to the intended marriage or to the marriage is mentally defective or mentally ill or is under the influence of intoxicating liquor or narcotic drugs, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1937, c. 207, s. 20, *amended*.

47. Every person not registered as a person authorized to solemnize marriage who solemnizes or undertakes to solemnize any marriage, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1937, c. 207, s. 21, *amended*. Marriage by unauthorized person.

48. Every person who knowingly makes any false statement in any document required under this Act, in addition to any other penalty or punishment to which he may be liable, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1937, c. 207, s. 34 (1), *amended*. False statements.

49. Every person who fails to comply with any provision of this Act for which no other penalty is provided shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. R.S.O. 1937, c. 207, s. 34 (2), *amended*. Where no other penalty provided.

50. So many of the provisions of *The Divorce Act (Ontario)*, 1930, c. 14 (Canada) as are or may be within the legislative competence of this Legislature, are hereby enacted as if fully set out in this Act. R.S.O. 1937, c. 207, s. 35. (Can.), confirmed.

51. Every registration and every appointment under *The Marriage Act* shall, subject to the provisions hereof, continue in force under this Act. *New*. Existing registrations, etc., continued.

52. *The Marriage Act*, section 18 of *The Statute Law Amendment Act, 1941*, *The Marriage Amendment Act, 1947* and *The Marriage Amendment Act, 1949* are repealed. Rev. Stat., c. 207; 1941, c. 55, s. 18; 1947, c. 62; 1949, c. 55; repealed.

53. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

54. This Act may be cited as *The Marriage Act, 1950*. Short title.

FORM 1

(Section 4 (2))

Serial No.

PROVINCE OF ONTARIO

By

Lieutenant-Governor of the Province of Ontario

I do hereby authorize by this licence the solemnization of marriage between

.....ofand
(name in full) (address)

.....of
(name in full) (address)

Provided always that, by reason of any Affinity, Consanguinity, Prior Marriage, or other Lawful Cause there is no Legal impediment in this behalf; but if otherwise, this licence shall be null and void to all intents and purposes whatsoever.

GIVEN under my Hand and Seal at the City of Toronto in the Province of Ontario this day of
in the year of Our Lord and in the Year of His Majesty's Reign.

Issued this.....day of.....19....

.....
Issuer of Marriage Licences at
.....

New.

FORM 2

(Section 4 (3))

SPECIAL PERMIT

I,
Provincial Secretary, hereby authorize the marriage of

.....
of the.....of.....

and.....

of the.....of.....

GIVEN under my hand and seal at.....
this.....day of.....19....

.....
(Provincial Secretary)

R.S.O. 1937, c. 207, Form 2, amended.

FORM 3

(Section 11 (3))

AFFIDAVIT REGARDING PRESUMPTION OF DEATH

Canada:
Province of Ontario,
To Wit:

I, _____, do solemnly swear that:

1. A marriage is intended to be solemnized in the Province of Ontario, between the following parties, of whom I am one, namely:

Intended Bridegroom (*name in full*)

Residence (*address in full*)

and

Intended Bride (*name in full*)

Residence (*address in full*)

2. I was married to _____ (name in full)
on (date) _____ at (place) _____.

3. I have obtained from a judge of the County (or District) Court of the County (or District) of an order declaring that the said (name in full) shall be presumed dead.

4. I still have no reason to believe that the said.....
is living.

5. I have given careful consideration to the question of the validity of the intended marriage between.....(the other party to the intended marriage) and myself and understand that and have advised.....(the other party to the intended marriage) that if.....(the person presumed dead) is not in fact dead at the time of the solemnization of the intended marriage, the said marriage shall be void.

6. I have shown.....(the other party to the intended marriage) a copy of the said order of presumption of death.

SWORN before me at the _____
of _____
in the _____ of _____
, this _____
day of _____
A.D. _____

New.

I, and
I, (name in full and address of other deponent if both parties attend before Issuer) in the
of of the of make oath and say as follows:
That, for the space of fifteen days immediately preceding the date of this affidavit (occupation)
ha had USUAL place of ABODE within the PROVINCE OF ONTARIO, (name in full of deponent or of the other contracting party or as the case may be)
That I believe there is no affinity, consanguinity, prior marriage or other lawful cause or legal impediment to bar or hinder the solemnization of the
marriage, and
That the contents set forth herein are to the best of knowledge, information and belief, true in every particular:
(my or our)

Names in full			
Occupation		Age	
Condition in Life			
Religious Denomination	Bachelor, Widower or Divorcee		Spinster, Widow or Divorcee
Residence			
Place of Birth			
Intended Place of Marriage			

..... SWORN before me at the in the County or District of
of this (write date in words not numerals)
day of 19.....
..... (signature of Issuer or Deputy Issuer, as case may be) Issuer of Marriage Licences at
..... (signature of deponent or deponents, as case may be)

FORM 5

(Section 15 (4))

No.....

PROOF OF PUBLICATION

I duly published the banns of marriage between.....

 of the.....of.....
 and.....
 of the.....of.....
 in.....Church in
 the.....of.....

I further certify that I verily believe the said

 (and)
 (is or are) in the habit of attending worship at the said Church.

Dated this.....day of.....19.....

.....
 (Signature)

.....
 (Address)

R.S.O. 1937, c. 207, Form 1, *amended*.

FORM 6

(Section 22 (2))

No.....

CERTIFICATE OF REGISTRATION

as a person authorized to solemnize marriage

Pursuant to THE MARRIAGE ACT, I certify that.....

 of the.....of.....
 in the.....of.....
 is registered as a person authorized to solemnize marriage in the
 PROVINCE OF ONTARIO.

GIVEN under my hand at the Parliament Buildings at the City of
 Toronto in the Province of Ontario this.....
 day of.....19.....

(Deputy) Provincial Secretary.

FORM 7

(Section 26)

REGISTER OF MARRIAGES

	BRIDEGROOM
Name in full	
Age	
Residence when married	
Place of birth	
Bachelor, Widower or Divorcee (B., W. or D.)	
Occupation	
Religious Denomination of Bridegroom	
Names of Parents	
	BRIDE
Name in full	
Age	
Residence when married	
Place of birth	
Spinster, Widow or Divorcee (S., W. or D.)	
Religious Denomination of Bride	
Names of Parents	
Whether Married by Licence or Banns (L. or B.)	
SIGNATURES	
of Bridegroom	
of Bride	
of Witnesses	
	Residence.....
	Residence.....

I certify the above-named parties were married by me at
 19 . , in the County of , this day of

.....
 (Signature)

.....
 (Address)

R.S.O. 1937, c. 207, Form 4, *amended*.

FORM 8

(Section 28 (1))

STATEMENT OF MARRIAGE

(For use of Registrar-General only)

1. Place of Marriage: The of
(city, town, village or township)
2. Date of Marriage: (month by name) (day) (year)
Bridegroom

..... of
(county or territorial district)
Banns ☐
3. Licence ☐ (Place X in proper square)

4.	Surname Given Names	17.	Bride
5. The of (city, town, village or township) (county or territorial district)	Residence	18. The of (city, town, village or township) (county or territorial district)	..... of
6. (Bachelor, Widower, Divorcee)	Marital Status	19. (Spinster, Widow, Divorcee)	.....
7.	Religious Denomination	20. ....	.....
8. Age 9. Citizenship 10. Racial Origin..... (in years)	Age Citizenship Racial Origin	21. Age 22. Citizenship 23. Racial Origin..... (in years)	.....
..... (If in Canada state Province; if foreign born state country)	Place of Birth	24. (If in Canada state Province; if foreign born state country)	.....
12.	Occupation	25. ....	.....
13.	Name of Father Surname Given Names	26. ....	.....
14.	Maiden Name of Mother Maiden Surname Given Names	27. ....	.....
15. (Province or Country)	Birthplace of Father	28. (Province or Country)	.....
16. (Province or Country)	Birthplace of Mother	29. (Province or Country)	.....

.....
(Signature of Bridegroom)
.....
(Signature of Witness)
.....
(Address of Witness)

I CERTIFY that I solemnized the marriage of the parties named in Items 4 and 17 on the date and at the place set out above.

*Registration No.

*Religious Denomination.....

*These items not to be completed by a judge or magistrate.

.....
(Signature of Bride)
.....
(Signature of Witness)
.....
(Address of Witness)

.....
(Signature of person solemnizing the marriage)

.....
(Post Office Address)

Date.....

FORM 9

(Section 43)

Degrees of affinity and consanguinity which, under the statutes in that behalf, bar the lawful solemnization of marriage.

A man may not marry his

1. Grandmother
2. Grandfather's wife
3. Wife's grandmother
4. Aunt
- †5. Uncle's wife
6. Wife's aunt
7. Mother
8. Step mother
9. Wife's mother
10. Daughter
11. Wife's daughter
12. Son's wife
13. Sister
14. Granddaughter
15. Grandson's wife
16. Wife's granddaughter
17. Niece
18. Nephew's wife
19. Wife's niece*
- †20. Brother's wife

A woman may not marry her

1. Grandfather
2. Grandmother's husband
3. Husband's grandfather
4. Uncle
5. Aunt's husband*
6. Husband's uncle
7. Father
8. Step father
9. Husband's father
10. Son
11. Husband's son
12. Daughter's husband
13. Brother
14. Grandson
15. Granddaughter's husband
16. Husband's grandson
17. Nephew
18. Niece's husband
- †19. Husband's nephew
- †20. Husband's brother

The relationships set forth in this table include all such relationships, whether by the whole or half blood, and whether legitimate or illegitimate.

*By the Revised Statutes of Canada, 1927, c. 127, s. 2 (1932, c. 10), it is enacted that "A marriage is not invalid merely because the woman is a sister of a deceased wife of the man, or a daughter of a sister or brother of a deceased wife of the man."

†By the Revised Statutes of Canada, 1927, c. 127, s. 3 (1932, c. 10), it is enacted that "A marriage is not invalid merely because the man is a brother of a deceased husband of the woman or a son of a brother or sister of a deceased husband of the woman."

R.S.O. 1937, c. 207, Form 5, *amended*.

The Marriage Act, 1950

1st Reading

March 3rd, 1950

2nd Reading

March 22nd, 1950

3rd Reading

March 30th, 1950

MR. WELSH

No. 88

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Insurance Act.

MR. MILLARD

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of this amendment is to provide that it is an offence to induce an insured to change to a different insurer only if such change is induced by a false or misleading statement or representation.

No. 88

1950

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 295 of *The Insurance Act* is amended by inserting after the word "who" in the second line the words "by any false or misleading statement or representation", so that the section shall read as follows: Rev. Stat., c. 256, s. 295, amended.

295. Any person licensed as an agent for life insurance under this Act who by any false or misleading statement or representation induces, directly or indirectly, an insured to lapse, forfeit or surrender for cash, or for paid up or extended insurance, or for other valuable consideration, his contract of life insurance with one insurer in order to effect a contract of life insurance with another insurer, or makes any false or misleading statement or representation in the solicitation or negotiation of insurance, or coerces or proposes, directly or indirectly, to coerce a prospective buyer of life insurance through the influence of a business or a professional relationship or otherwise, to give a preference in respect to the placing of life insurance which would not be otherwise given in the effecting of a life insurance contract, shall be guilty of an offence. Twisting life insurance policies prohibited.

2. This Act may be cited as *The Insurance Amendment Act*, Short title. 1950.

An Act to amend The Insurance Act.

1st Reading

March 6th, 1950

2nd Reading

3rd Reading

MR. MILLARD

No. 89

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Mothers' Allowances Act, 1948.

MISS MACPHAIL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of this Act is to raise to eighteen years the age to which allowance may be paid for a child which is continuing its education.

No. 89

1950

BILL

An Act to amend The Mothers' Allowances Act,
1948.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subsection 4 of section 2 of *The Mothers' Allowances Act, 1948* is repealed and the following substituted therefor: 1948,
c. 58, s. 2,
subs. 4,
re-enacted.
- (4) Where a child in respect of whom an allowance is being paid is attending school, the allowance shall, Reaching
eighteen
years of age
during
school year. subject to this Act and the regulations, continue to be paid until the conclusion of the school year in which the child has attained the age of eighteen years, unless the child sooner ceases to attend school.
2. This Act shall come into force on the day it receives the Commence-
ment of Act. Royal Assent.
3. This Act may be cited as *The Mothers' Allowances Amendment Act, 1950*. Short title.

An Act to amend 'The Mothers'
Allowances Act, 1948.

1st Reading

March 6th, 1950

2nd Reading

3rd Reading

MISS MACPHERL

No. 90

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL
The Audit Act, 1950.

9

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This is a complete revision of this Act which has not been revised since 1908. The revision is necessary to bring the Act into line with modern accounting and auditing practice and to give effect to a recommendation of the 1949 Public Accounts Committee and to observations made in the Committee concerning the desirability of ensuring the Auditor's independent position as a servant of the Assembly and the establishment of certain minimum reporting requirements.

No. 90

1950

BILL

The Audit Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council may appoint three ^{Treasury Board.} members of the Executive Council to be a board to be called the "Treasury Board". R.S.O. 1937, c. 24, s. 1.

2.—(1) The Lieutenant-Governor in Council may appoint ^{Appointment of Provincial Auditor.} an officer to be called the "Auditor", who shall be paid a salary of not less than \$6,000 per annum, which shall be charged to and paid out of the Consolidated Revenue Fund. R.S.O. 1937, c. 24, s. 2; 1947, c. 5, s. 1 (1).

(2) The salary of the Auditor shall not be reduced except ^{Salary.} on address of the Assembly. 1947, c. 5, s. 1 (2).

3. The Auditor shall hold office during good behaviour, ^{Tenure of office.} but shall be removable for cause by the Lieutenant-Governor on address of the Assembly. R.S.O. 1937, c. 24, s. 3.

4. The Lieutenant-Governor in Council, upon the recom- ^{Assistant Auditor.} mendation of the Auditor, may appoint an officer to be called the "Assistant Auditor" who, in the absence of the Auditor owing to illness or otherwise, or in case of a vacancy in the office, shall during such absence or vacancy possess the powers and perform the duties of the Auditor. R.S.O. 1937, c. 24, s. 4, *amended*.

5. The Lieutenant-Governor in Council, upon the recom- ^{Appointment of officers.} mendation of the Auditor, may appoint to the staff of the Auditor such officers, clerks and other persons as the Auditor may deem necessary. R.S.O. 1937, c. 24, s. 5.

6. The Auditor may, from time to time, make orders and ^{Orders and rules, how made.} rules for the conduct of the internal business of his office and may suspend any member of his staff. R.S.O. 1937, c. 24, s. 6 (1), *amended*.

Delegation
of
authority.

7. The Auditor may delegate to any member of his staff authority to perform any duty, act or function which by this Act he is required to do other than reporting to the Assembly, the Lieutenant-Governor in Council or the Treasury Board. *New.*

Form of
department
accounts.

8. The Treasury Board may prescribe the manner in which each department of the public service shall keep its accounts and may prescribe forms and procedures for the guidance of persons accounting for public moneys in making up and rendering their accounts for examination. *New.*

Information
and access
to records.

9. Every department of the public service shall furnish the Auditor with such information regarding its powers, duties, activities, organization, financial transactions and methods of business as he may from time to time require, and the Auditor shall have access to all books, accounts, financial records, reports, files and all other papers, things or property belonging to or in use by the department and necessary to facilitate the audit and shall be afforded every facility for verifying transactions with the balances or securities held by depositaries, fiscal agents and custodians. *New.*

Respon-
sibility of
Ministers
and officers,
and audit by
departments.

10. Nothing in this Act shall be construed to affect the responsibility of any minister, deputy minister, departmental officer or other person charged with the administration of public moneys and the responsibility for the conduct of the financial business of each department shall rest with the head of the department and before accounts are recommended to the Treasurer for payment they shall be checked and examined in detail and vouched as correct in every respect and allowed and passed by the proper departmental officers. R.S.O. 1937, c. 24, s. 8, *amended.*

Examination
of
expenditure
by Auditor.

11.—(1) Except when otherwise provided, the Auditor shall examine on behalf of the Assembly all accounts of expenditure of public moneys out of the Consolidated Revenue Fund, whether held in trust or otherwise. R.S.O. 1937, c. 24, s. 9 (1), *part, amended.*

Purpose and
authority
for expendi-
ture to be
observed.

(2) The Auditor shall satisfy himself that every account requisitioned for payment is in accordance with the terms and conditions of the grant to which the account relates. *New.*

Auditor may
admit
vouchers and
examine in
detail if
requested.

(3) The Auditor after satisfying himself that a voucher has been examined and certified as correct by the department concerned, may, in his discretion and having regard to the character of the departmental examination, admit it as satisfactory, but if the Treasury Board desire any voucher to be examined in greater detail, the Auditor shall do so. R.S.O. 1937, c. 24, s. 9 (3), *part, amended.*

12. The Auditor may station one or more members of his staff in any department of the public service to enable him to carry out his duties under this Act more effectively, and the department shall provide such accommodation as may be required for the purpose. *New.*

13.—(1) Except as provided in this section or section 14, no cheque for the payment of public money shall issue without the certificate of the Auditor that there is legislative authority for the payment. R.S.O. 1937, c. 24, s. 13 (1), *part.*

(2) When, upon an application for a cheque, the Auditor has reported that there is no legislative authority, then upon the written opinion of the Attorney General or Deputy Attorney General that there is legislative authority, citing it, the cheque may be issued. R.S.O. 1937, c. 24, s. 13 (1), cl. (a), *amended.*

(3) If, when the Legislature is not in session, any accident happens to any public work or building which requires an immediate outlay for the repair or renewal thereof, or any other occasion arises when any expenditure not foreseen or provided for by the Legislature is urgently required for the public good, then upon the report of the Treasurer that there is no legislative provision, and of the minister having charge of the service in question that the necessity is urgent and for the public good, the Lieutenant-Governor in Council may order a special warrant to be prepared, to be signed by the Lieutenant-Governor for the issue of the amount estimated to be required which shall be placed by the Treasurer to a special account, against which cheques may issue as may be required. R.S.O. 1937, c. 24, s. 13 (1), cl. (b), *amended.*

(4) The authority to make an expenditure under a special warrant shall lapse and any unexpended balance be written off at the end of the fiscal year in which the warrant is given, provided that during the period of thirty days next following the end of the fiscal year there may be paid an amount not exceeding the unexpended balance of such warrant for the purpose of discharging any debt that was incurred during such fiscal year, and such expenditure may be charged in the accounts of such fiscal year. *New.*

(5) When the Auditor has refused to certify that a cheque may issue, the minister of the department requisitioning the cheque may upon notice to the Auditor refer the matter to the Treasury Board and thereupon the correspondence in the case together with a memorandum stating,

- (a) the legislative authority under which it is considered the expenditure may be made;

- (b) the objections taken by the Auditor; and
- (c) the answer to such objections,

shall be submitted by the minister in charge of the department to the Treasury Board and the Board may in its discretion order the issue of the cheque. R.S.O. 1937, c. 24, s. 13 (1), cl. (c).

Payment for special cases.

14.—(1) The certificate or order of the Attorney General or Deputy Attorney General that any sum of money is required to be paid out of the Consolidated Revenue Fund on account of the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any purpose connected with the administration of justice in either civil or criminal matters, shall be sufficient authority for the issuing of a cheque by the Treasurer of Ontario for the amount named in such certificate or order, and the officer or other person to whom the cheque is issued shall account to the Attorney General for the proper disbursement of the amount received by such officer or other person.

Certificate that moneys accounted for.

(2) The certificate of the Attorney General or Deputy Attorney General that any moneys received by any officer or other person under this section have been duly accounted for shall be final and conclusive and the account shall not be subject to any further examination. R.S.O. 1937, c. 24, s. 17.

Counter-signing cheques.

15. Every cheque issued by the Treasurer shall be countersigned by the Auditor. R.S.O. 1937, c. 24, s. 14, *amended*.

Accounts for work, etc., to be certified.

16.—(1) No payment shall be authorized by the Auditor in respect of services, publications, grants, work or material unless, in addition to any other voucher or certificate that may be required the accounts accompanying the requisition for payment bear the certificate of an official who has knowledge of the facts to the effect that the person has been in attendance, that the publication is being received and is billed at scheduled rates, that any relevant regulations have been complied with, that the work has been performed or the material supplied, as the case may be, and that the price charged is according to contract, or if not covered by contract, is fair and just. R.S.O. 1937, c. 24, s. 16, *amended*.

Approval by Order in Council.

(2) Notwithstanding any provision of this Act, the Auditor, before authorizing the payment of any public money, may require the matter to be referred to the Lieutenant-Governor in Council for his approval, and unless the approval of the Lieutenant-Governor in Council is given such payment shall not be made. *New.*

17. The Lieutenant-Governor in Council may make regulations fixing the scale of allowances for the travelling and living expenses to be allowed to any person employed in or in connection with any part of the public service. R.S.O. 1937, c. 24, s. 19. Allowances for travelling and living expenses.

18.—(1) The Public Accounts shall cover the period from the commencement of business on the 1st day of April in one year to the close of business on the 31st day of March in the next year, which period shall constitute the fiscal year. Fiscal year.

(2) All estimates submitted to the Legislature shall be for services coming in course of payment during the fiscal year. Estimates.

(3) All balances of appropriations that remain unexpended at the end of a fiscal year shall lapse and be written off, provided that during the period of thirty days next following the end of such fiscal year there may be paid out of any appropriation an amount not exceeding the unexpended balance of such appropriation for the purpose of discharging any debt that was incurred during such fiscal year, and such expenditure may be charged in the accounts of such fiscal year, but any debts that remain unpaid at the end of the period of thirty days next following the end of such fiscal year shall be paid out of the appropriation for the ensuing fiscal year. R.S.O. 1937, c. 24, s. 20 (1), *amended*. Lapse of appropriations.

19. The Public Accounts shall be prepared under the direction of the Auditor and shall be delivered to the Lieutenant-Governor in Council and laid before the Assembly within the first ten days of the first session held in the following calendar year. R.S.O. 1937, c. 24, s. 20 (2), *amended*. Preparation of Public Accounts.

20. The Treasury Board may alter the period at or to which any person accountable for public moneys is required to render any account or to make any return, whenever in their opinion the alteration will facilitate the preparation of the Public Accounts or estimates, anything in any Act to the contrary notwithstanding. R.S.O. 1937, c. 24, s. 22. Treasury Board may alter date of returns.

21. If a difference arises between the Auditor and the minister of any department respecting the appropriation or account to which an authorized expenditure should be charged, such difference may be referred by the minister to the Treasury Board, and the Board shall determine in what manner and to what appropriation or account such expenditure shall be charged. R.S.O. 1937, c. 24, s. 24. Determination of differences as to charges against appropriations.

22. Notwithstanding anything in this Act, whenever the Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates, the Payments authorized by Assembly.

Lieutenant-Governor in Council may authorize the payment of any items of expenditure so concurred in. R.S.O. 1937, c. 24, s. 26.

Treasury
Board
orders.

23. Where an appropriation is exhausted or is insufficiently provided for and the public interest or the urgent requirements of the public service necessitate further payments, then upon the report to the Treasury Board of the minister having charge of the appropriation as to the necessity for further payments and the reasons why the appropriation is insufficient and the amount estimated to be required, the Board may make an order for the issue of such amount as it deems proper which amount shall be placed to the credit of the appropriation against which cheques may issue as may be required. R.S.O. 1937, c. 24, s. 25, *amended*.

Examination
of regulations
and
procedures.

24.—(1) The Auditor shall, on behalf of the Assembly, examine all accounts of receipts of public moneys forming part of the Consolidated Revenue Fund whether held in trust or otherwise in order to ascertain that adequate regulations and procedures are in operation to secure an effective check on the assessment, collection and allocation of revenue.

Examination
of receipts.

(2) The Auditor shall satisfy himself as to the correctness of the accounts mentioned in subsection 1. R.S.O. 1937, c. 24, s. 30, *part, amended*.

Annual
report of
Auditor.

25.—(1) The Auditor shall make an annual report to the Assembly respecting the fiscal year then closed,

- (a) as to his examination of accounts of receipts and payments of public moneys;
- (b) as to his examination of the balance sheet and related schedules shown in the Public Accounts, in which he shall state whether they were compared with the books of account and financial records, and if he has obtained all the information and explanations he has required, and whether, in his opinion, they are properly drawn up so as to present fairly the financial position of the Province; *New*.
- (c) as to all special warrants and cheques for the issue of which he has refused to certify, citing the date and the amount of any expenditures incurred in consequence thereof; R.S.O. 1937, c. 24, s. 13 (2), *amended*.
- (d) as to all orders of the Treasury Board issued for the authorization of expenditure in excess of appropria-

tions, citing the date, the amount authorized and the amount expended; R.S.O. 1937, c. 24, s. 27, *amended*.

(e) as to any important change in the extent or character of any examination made by him; and

(f) as to such other matters as he desires to bring to the attention of the Assembly. *New*.

(2) The report of the Auditor shall be delivered to the Lieutenant-Governor in Council and laid before the Assembly within the first ten days of the first session held in the following calendar year. *New*. Tabling report.

26. Nothing in this Act shall be construed to require the Auditor to examine or report upon the accounts of any agency of the Crown if the Lieutenant-Governor in Council, in pursuance of statutory authority in that behalf, has designated another auditor to examine and report upon the accounts of such agency. R.S.O. 1937, c. 24, s. 9 (2), *amended*. Audit of Crown agencies.

27. The Auditor may examine any person on oath on any matter pertinent to any account submitted to him for examination, and such oath may be administered by him to any person whom he desires to examine. R.S.O. 1937, c. 24, s. 10, *amended*. Auditor may examine on oath.

28.—(1) Every person, on the termination of his charge of any account or, in the case of his death, his representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge, to the public officer authorized to receive the same. Recovery of balances of public moneys.

(2) When it appears to the Auditor that any amount of public money has been improperly or unnecessarily retained by any person, he shall report the circumstances to the Treasurer of Ontario, and the Treasurer shall take such measures as he deems expedient for the recovery, by suit or otherwise, of such amount which shall be recoverable with interest thereon at five per centum per annum for such period of time as the Treasurer deems proper. R.S.O. 1937, c. 24, s. 34, *amended*. Idem.

29. The Auditor may authorize the use of a facsimile of his signature or a facsimile of the signature of any officer or clerk authorized to sign for him. *New*. Facsimile signatures.

30. The Treasurer of Ontario may pay out of the Consolidated Revenue Fund accounts for legislative and departmental printing, paper and stationery and other supplies Authority for payment of accounts for printing, stationery, etc.

delivered to the King's Printer, but the amount of such deliveries remaining on hand and in the course of distribution shall not exceed in any fiscal year the sum of \$350,000. 1947, c. 5, s. 2.

Present
Auditor
continued.

31.—(1) The Auditor in office when this Act comes into force shall continue to hold office subject to section 3 of this Act.

Present
staff
continued.

(2) The Assistant Auditor and the other members of the staff of the Auditor in office when this Act comes into force shall continue in office during pleasure. *New.*

Rev. Stat.,
c. 24;
1947, c. 5,
repealed.

32. *The Audit Act* and *The Audit Amendment Act, 1947* are repealed.

Short title.

33. This Act may be cited as *The Audit Act, 1950.*

The Audit Act, 1950.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. FROST

No. 90

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Audit Act, 1950.

MR. FROST

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 90

1950

BILL

The Audit Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council may appoint three ^{Treasury Board.} members of the Executive Council to be a board to be called the "Treasury Board". R.S.O. 1937, c. 24, s. 1.

2.—(1) The Lieutenant-Governor in Council may appoint ^{Appointment of Auditor.} an officer to be called the "Auditor", who shall be paid a salary of not less than \$6,000 per annum, which shall be charged to and paid out of the Consolidated Revenue Fund. R.S.O. 1937, c. 24, s. 2; 1947, c. 5, s. 1 (1).

(2) The salary of the Auditor shall not be reduced except ^{Salary.} on address of the Assembly. 1947, c. 5, s. 1 (2).

3. The Auditor shall hold office during good behaviour, ^{Tenure of office.} but shall be removable for cause by the Lieutenant-Governor on address of the Assembly. R.S.O. 1937, c. 24, s. 3.

4. The Lieutenant-Governor in Council, upon the recom- ^{Assistant Auditor.} mendation of the Auditor, may appoint an officer to be called the "Assistant Auditor" who, in the absence of the Auditor owing to illness or otherwise, or in case of a vacancy in the office, shall during such absence or vacancy possess the powers and perform the duties of the Auditor. R.S.O. 1937, c. 24, s. 4, *amended*.

5. The Lieutenant-Governor in Council, upon the recom- ^{Appointment of officers.} mendation of the Auditor, may appoint to the staff of the Auditor such officers, clerks and other persons as the Auditor may deem necessary. R.S.O. 1937, c. 24, s. 5.

6. The Auditor may, from time to time, make orders and ^{Orders and rules, how made.} rules for the conduct of the internal business of his office and may suspend any member of his staff. R.S.O. 1937, c. 24, s. 6 (1), *amended*.

Delegation
of
authority.

7. The Auditor may delegate to any member of his staff authority to perform any duty, act or function which by this Act he is required to do other than reporting to the Assembly, the Lieutenant-Governor in Council or the Treasury Board. *New.*

Form of
department
accounts.

8. The Treasury Board may prescribe the manner in which each department of the public service shall keep its accounts and may prescribe forms and procedures for the guidance of persons accounting for public moneys in making up and rendering their accounts for examination. *New.*

Information
and access
to records.

9. Every department of the public service shall furnish the Auditor with such information regarding its powers, duties, activities, organization, financial transactions and methods of business as he may from time to time require, and the Auditor shall have access to all books, accounts, financial records, reports, files and all other papers, things or property belonging to or in use by the department and necessary to facilitate the audit and shall be afforded every facility for verifying transactions with the balances or securities held by depositaries, fiscal agents and custodians. *New.*

Respon-
sibility of
Ministers
and officers,
and audit by
departments.

10. Nothing in this Act shall be construed to affect the responsibility of any minister, deputy minister, departmental officer or other person charged with the administration of public moneys and the responsibility for the conduct of the financial business of each department shall rest with the head of the department and before accounts are recommended to the Treasurer for payment they shall be checked and examined in detail and vouched as correct in every respect and allowed and passed by the proper departmental officers. R.S.O. 1937, c. 24, s. 8, *amended.*

Examination
of
expenditure
by Auditor.

11.—(1) Except when otherwise provided, the Auditor shall examine on behalf of the Assembly all accounts of expenditure of public moneys out of the Consolidated Revenue Fund, whether held in trust or otherwise. R.S.O. 1937, c. 24, s. 9 (1), *part, amended.*

Purpose and
authority
for expendi-
ture to be
observed.

(2) The Auditor shall satisfy himself that every account requisitioned for payment is in accordance with the terms and conditions of the grant to which the account relates. *New.*

Auditor may
admit
vouchers and
examine in
detail if
requested.

(3) The Auditor after satisfying himself that a voucher has been examined and certified as correct by the department concerned, may, in his discretion and having regard to the character of the departmental examination, admit it as satisfactory, but if the Treasury Board desire any voucher to be examined in greater detail, the Auditor shall do so. R.S.O. 1937, c. 24, s. 9 (3), *part, amended.*

12. The Auditor may station one or more members of his staff in any department of the public service to enable him to carry out his duties under this Act more effectively, and the department shall provide such accommodation as may be required for the purpose. *New.*

13.—(1) Except as provided in this section or section 14, no cheque for the payment of public money shall issue without the certificate of the Auditor that there is legislative authority for the payment. R.S.O. 1937, c. 24, s. 13 (1), *part.*

(2) When, upon an application for a cheque, the Auditor has reported that there is no legislative authority, then upon the written opinion of the Attorney General or Deputy Attorney General that there is legislative authority, citing it, the cheque may be issued. R.S.O. 1937, c. 24, s. 13 (1), cl. (a), *amended.*

(3) If, when the Legislature is not in session, any accident happens to any public work or building which requires an immediate outlay for the repair or renewal thereof, or any other occasion arises when any expenditure not foreseen or provided for by the Legislature is urgently required for the public good, then upon the report of the Treasurer that there is no legislative provision, and of the minister having charge of the service in question that the necessity is urgent and for the public good, the Lieutenant-Governor in Council may order a special warrant to be prepared, to be signed by the Lieutenant-Governor for the issue of the amount estimated to be required which shall be placed by the Treasurer to a special account, against which cheques may issue as may be required. R.S.O. 1937, c. 24, s. 13 (1), cl. (b), *amended.*

(4) The authority to make an expenditure under a special warrant shall lapse and any unexpended balance be written off at the end of the fiscal year in which the warrant is given, provided that during the period of thirty days next following the end of the fiscal year there may be paid an amount not exceeding the unexpended balance of such warrant for the purpose of discharging any debt that was incurred during such fiscal year, and such expenditure may be charged in the accounts of such fiscal year. *New.*

(5) When the Auditor has refused to certify that a cheque may issue, the minister of the department requisitioning the cheque may upon notice to the Auditor refer the matter to the Treasury Board and thereupon the correspondence in the case together with a memorandum stating,

(a) the legislative authority under which it is considered the expenditure may be made;

- (b) the objections taken by the Auditor; and
- (c) the answer to such objections,

shall be submitted by the minister in charge of the department to the Treasury Board and the Board may in its discretion order the issue of the cheque. R.S.O. 1937, c. 24, s. 13 (1), cl. (c).

Payment for
special
cases.

14.—(1) The certificate or order of the Attorney General or Deputy Attorney General that any sum of money is required to be paid out of the Consolidated Revenue Fund on account of the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any purpose connected with the administration of justice in either civil or criminal matters, shall be sufficient authority for the issuing of a cheque by the Treasurer of Ontario for the amount named in such certificate or order, and the officer or other person to whom the cheque is issued shall account to the Attorney General for the proper disbursement of the amount received by such officer or other person.

Certificate
that moneys
accounted
for.

(2) The certificate of the Attorney General or Deputy Attorney General that any moneys received by any officer or other person under this section have been duly accounted for shall be final and conclusive and the account shall not be subject to any further examination. R.S.O. 1937, c. 24, s. 17.

Counter-
signing
cheques.

15. Every cheque issued by the Treasurer shall be countersigned by the Auditor. R.S.O. 1937, c. 24, s. 14, *amended*.

Accounts
for work,
etc., to be
certified.

16.—(1) No payment shall be authorized by the Auditor in respect of services, publications, grants, work or material unless, in addition to any other voucher or certificate that may be required the accounts accompanying the requisition for payment bear the certificate of an official who has knowledge of the facts to the effect that the person has been in attendance, that the publication is being received and is billed at scheduled rates, that any relevant regulations have been complied with, that the work has been performed or the material supplied, as the case may be, and that the price charged is according to contract, or if not covered by contract, is fair and just. R.S.O. 1937, c. 24, s. 16, *amended*.

Approval by
Order in
Council.

(2) Notwithstanding any provision of this Act, the Auditor, before authorizing the payment of any public money, may require the matter to be referred to the Lieutenant-Governor in Council for his approval, and unless the approval of the Lieutenant-Governor in Council is given such payment shall not be made. *New*.

17. The Lieutenant-Governor in Council may make regulations fixing the scale of allowances for the travelling and living expenses to be allowed to any person employed in or in connection with any part of the public service. R.S.O. 1937, c. 24, s. 19. Allowances for travelling and living expenses.

18.—(1) The Public Accounts shall cover the period from the commencement of business on the 1st day of April in one year to the close of business on the 31st day of March in the next year, which period shall constitute the fiscal year. Fiscal year.

(2) All estimates submitted to the Legislature shall be for services coming in course of payment during the fiscal year. Estimates.

(3) All balances of appropriations that remain unexpended at the end of a fiscal year shall lapse and be written off, provided that during the period of thirty days next following the end of such fiscal year there may be paid out of any appropriation an amount not exceeding the unexpended balance of such appropriation for the purpose of discharging any debt that was incurred during such fiscal year, and such expenditure may be charged in the accounts of such fiscal year, but any debts that remain unpaid at the end of the period of thirty days next following the end of such fiscal year shall be paid out of the appropriation for the ensuing fiscal year. R.S.O. 1937, c. 24, s. 20 (1), *amended*. Lapse of appropriations.

19. The Public Accounts shall be prepared under the direction of the Auditor and shall be delivered to the Lieutenant-Governor in Council and laid before the Assembly within the first ten days of the first session held in the following calendar year. R.S.O. 1937, c. 24, s. 20 (2), *amended*. Preparation of Public Accounts.

20. The Treasury Board may alter the period at or to which any person accountable for public moneys is required to render any account or to make any return, whenever in their opinion the alteration will facilitate the preparation of the Public Accounts or estimates, anything in any Act to the contrary notwithstanding. R.S.O. 1937, c. 24, s. 22. Treasury Board may alter date of returns.

21. If a difference arises between the Auditor and the minister of any department respecting the appropriation or account to which an authorized expenditure should be charged, such difference may be referred by the minister to the Treasury Board, and the Board shall determine in what manner and to what appropriation or account such expenditure shall be charged. R.S.O. 1937, c. 24, s. 24. Determination of differences as to charges against appropriations.

22. Notwithstanding anything in this Act, whenever the Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates, the Payments authorized by Assembly.

Lieutenant-Governor in Council may authorize the payment of any items of expenditure so concurred in. R.S.O. 1937, c. 24, s. 26.

Treasury
Board
orders.

23. Where an appropriation is exhausted or is insufficiently provided for and the public interest or the urgent requirements of the public service necessitate further payments, then upon the report to the Treasury Board of the minister having charge of the appropriation as to the necessity for further payments and the reasons why the appropriation is insufficient and the amount estimated to be required, the Board may make an order for the issue of such amount as it deems proper which amount shall be placed to the credit of the appropriation against which cheques may issue as may be required. R.S.O. 1937, c. 24, s. 25, *amended*.

Examination
of regulations
and
procedures.

24.—(1) The Auditor shall, on behalf of the Assembly, examine all accounts of receipts of public moneys forming part of the Consolidated Revenue Fund whether held in trust or otherwise in order to ascertain that adequate regulations and procedures are in operation to secure an effective check on the assessment, collection and allocation of revenue.

Examination
of receipts.

(2) The Auditor shall satisfy himself as to the correctness of the accounts mentioned in subsection 1. R.S.O. 1937, c. 24, s. 30, *part, amended*.

Annual
report of
Auditor.

25.—(1) The Auditor shall make an annual report to the Assembly respecting the fiscal year then closed,

- (a) as to his examination of accounts of receipts and payments of public moneys;
- (b) as to his examination of the balance sheet and related schedules shown in the Public Accounts, in which he shall state whether they were compared with the books of account and financial records, and if he has obtained all the information and explanations he has required, and whether, in his opinion, they are properly drawn up so as to present fairly the financial position of the Province; *New*.
- (c) as to all special warrants and cheques for the issue of which he has refused to certify, citing the date and the amount of any expenditures incurred in consequence thereof; R.S.O. 1937, c. 24, s. 13 (2), *amended*.
- (d) as to all orders of the Treasury Board issued for the authorization of expenditure in excess of appropria-

tions, citing the date, the amount authorized and the amount expended; R.S.O. 1937, c. 24, s. 27, *amended*.

(e) as to any important change in the extent or character of any examination made by him; and

(f) as to such other matters as he desires to bring to the attention of the Assembly. *New*.

(2) The report of the Auditor shall be delivered to the Lieutenant-Governor in Council and laid before the Assembly within the first ten days of the first session held in the following calendar year. *New*. ^{Tabling report.}

26. Nothing in this Act shall be construed to require the Auditor to examine or report upon the accounts of any agency of the Crown if the Lieutenant-Governor in Council, in pursuance of statutory authority in that behalf, has designated another auditor to examine and report upon the accounts of such agency. R.S.O. 1937, c. 24, s. 9 (2), *amended*. ^{Audit of Crown agencies.}

27. The Auditor may examine any person on oath on any matter pertinent to any account submitted to him for examination, and such oath may be administered by him to any person whom he desires to examine. R.S.O. 1937, c. 24, s. 10, *amended*. ^{Auditor may examine on oath.}

28.—(1) Every person, on the termination of his charge of any account or, in the case of his death, his representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge, to the public officer authorized to receive the same. ^{Recovery of balances of public moneys.}

(2) When it appears to the Auditor that any amount of public money has been improperly or unnecessarily retained by any person, he shall report the circumstances to the Treasurer of Ontario, and the Treasurer shall take such measures as he deems expedient for the recovery, by suit or otherwise, of such amount which shall be recoverable with interest thereon at five per centum per annum for such period of time as the Treasurer deems proper. R.S.O. 1937, c. 24, s. 34, *amended*. ^{Idem.}

29. The Auditor may authorize the use of a facsimile of his signature or a facsimile of the signature of any officer or clerk authorized to sign for him. *New*. ^{Facsimile signatures.}

30. The Treasurer of Ontario may pay out of the Consolidated Revenue Fund accounts for legislative and departmental printing, paper and stationery and other supplies ^{Authority for payment of accounts for printing, stationery, etc.}

delivered to the King's Printer, but the amount of such deliveries remaining on hand and in the course of distribution shall not exceed in any fiscal year the sum of \$350,000. 1947, c. 5, s. 2.

Present
Auditor
continued.

31.—(1) The Auditor in office when this Act comes into force shall continue to hold office subject to section 3 of this Act.

Present
staff
continued.

(2) The Assistant Auditor and the other members of the staff of the Auditor in office when this Act comes into force shall continue in office during pleasure. *New.*

Rev. Stat.,
c. 24;
1947, c. 5,
repealed.

32. *The Audit Act* and *The Audit Amendment Act, 1947* are repealed.

Short title.

33. This Act may be cited as *The Audit Act, 1950.*

BILL

The Audit Act, 1950.

1st Reading

March 8th, 1950

2nd Reading

March 20th, 1950

3rd Reading

March 27th, 1950

MR. FROST

No. 91

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Statute Labour Act.

MR. DOUCETT

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Under section 22 of the Act, where it is impracticable to lay out roads as laid down in the original survey, the road commissioners are empowered to lay out roads in lieu thereof. In the case of such a deviation passing over patented improved land, the commissioners are empowered to pay the owner the value of the land taken as may be agreed upon or failing agreement, as may be fixed by the district judge.

The new subsections are designed to clarify the next and final step in such cases.

SECTION 2. The new subsection is substantially the same as section 5 of the Act. Section 5 applies to incorporated townships only. The new subsection will make it clear that the same principles apply to unincorporated townships where road commissioners have been elected in order that the roads in such areas may be improved in the same way as roads in more highly developed parts of the Province.

BILL

An Act to amend The Statute Labour Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Statute Labour Act* is amended by adding thereto the following subsections: Rev. Stat., c. 274, s. 22, amended.

(4) Where the value of the land taken has been agreed upon between the commissioners and the owner, the owner shall execute a conveyance of the land to His Majesty in right of the Province of Ontario and such conveyance shall be registered in the proper registry or land titles office. Land to be vested in Crown.

(5) Where the value of the land taken has not been agreed upon between the commissioners and the owner but has been fixed by the judge of the district court of the district, the order of the judge together with a plan and description of the land signed by an Ontario land surveyor shall be registered in the proper registry or land titles office and thereupon the land shall be vested in His Majesty in right of the Province of Ontario. Idem.

2. Section 24 of *The Statute Labour Act*, as amended by section 6 of *The Statute Labour Amendment Act, 1945*, is further amended by adding thereto the following subsection: Rev. Stat., c. 274, s. 24, amended.

(2a) Where road commissioners have been elected for any unincorporated area the secretary-treasurer shall enter in the statute labour book the name, date of birth and place of abode of every male inhabitant thereof who,— Statute labour in unincorporated areas.

(a) is twenty-one years or over and under sixty years of age;

(b) is not exempt from performing statute labour;

(c) is not otherwise assessed for statute labour in the area;

(d) has not filed with the secretary-treasurer a certificate showing that he has been assessed or performed statute labour or paid poll tax elsewhere in Ontario,

and every such male inhabitant shall be liable to one day of statute labour on the roads in the area.

Rev. Stat.,
c. 274, s. 25,
subs. 2,
amended.

3. Subsection 2 of section 25 of *The Statute Labour Act*, as amended by section 7 of *The Statute Labour Amendment Act, 1945*, is further amended by striking out the words, symbols and figures "exceeding two days' labour at a rate not less than \$3 per day nor more than \$4 per day" in the second and third lines and in the amendment of 1945 and inserting in lieu thereof the words "more than two days' labour at the rate per day fixed by resolution of the commissioners under subsection 1 of section 26", so that the subsection shall read as follows:

Payment
of commis-
sioners.

(2) A commissioner may be paid out of the commutation fund for not more than two days' labour at the rate per day fixed by resolution of the commissioners under subsection 1 of section 26 if performed by him over and above the number of days' labour he may by law be required to perform in respect of his own property.

Rev. Stat.,
c. 274, s. 26,
subs. 1,
amended.

4. Subsection 1 of section 26 of *The Statute Labour Act*, as amended by section 8 of *The Statute Labour Amendment Act, 1945*, is further amended by striking out the words, symbols and figures "a rate not less than \$3 per day nor more than \$4 per day as may be fixed by resolution of the commissioners" in the second, third and fourth lines and in the amendment of 1945 and inserting in lieu thereof the words "the rate per day fixed by resolution of the commissioners which rate shall not be greater than the rate per day paid for labour by the Department of Highways", so that the subsection shall read as follows:

Commuta-
tion.

(1) Any person instead of performing the statute labour required of him may commute therefor by payment at the rate per day fixed by resolution of the commissioners which rate shall not be greater than the rate per day paid for labour by the Department of Highways, and the commissioners shall expend all commutation money upon the roads on which the labour which is commuted for should have been performed, unless in the opinion of the commissioners, such money should be expended on other roads under their jurisdiction.

SECTION 3. Complementary to section 4 of the Bill.

SECTION 4. The payment of commutation is in lieu of the actual performance of statute labour. When a person who is liable for statute labour commutes, somebody else has to be hired to do the work. Labour can not be hired at the rates for commutation now fixed in the Act (\$3 to \$4 per day). The amendment is designed to ensure that income will equal expenditures.

SECTION 5. Complementary to section 4 of the Bill.

5. Subsection 1 of section^o 27 of *The Statute Labour Act*, Rev. Stat., c. 274, s. 27, subs. 1, amended. as amended by section 9 of *The Statute Labour Amendment Act, 1945*, is further amended by striking out the words, symbols and figures "not less than \$3 per day nor more than \$4 per day" in the second line and in the amendment of 1945 and inserting in lieu thereof the words "computed at the rate per day fixed by resolution of the commissioners under subsection 1 of section 26", so that the subsection shall read as follows:

- (1) The commissioners may by resolution direct that a Commutation of statute labour in townships. sum computed at the rate per day fixed by resolution of the commissioners under subsection 1 of section 26 shall be paid as commutation of statute labour for the whole of the township; provided, however, that such resolution shall not take effect until the same has been submitted to and sanctioned by the majority of the landholders present at the annual meeting or at a special meeting called in the manner provided for in this Act for the election of commissioners.

6. This Act may be cited as *The Statute Labour Amendment Act, 1950*. Short title.

An Act to amend The Statute Labour Act.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. DOUCETT

No. 91

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Statute Labour Act.

MR. DOUCETT

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 91

1950

BILL

An Act to amend The Statute Labour Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Statute Labour Act* is amended by adding thereto the following subsections: Rev. Stat.,
c. 274, s. 22,
amended.

(4) Where the value of the land taken has been agreed upon between the commissioners and the owner, the owner shall execute a conveyance of the land to His Majesty in right of the Province of Ontario and such conveyance shall be registered in the proper registry or land titles office. Land to
be vested
in Crown.

(5) Where the value of the land taken has not been agreed upon between the commissioners and the owner but has been fixed by the judge of the district court of the district, the order of the judge together with a plan and description of the land signed by an Ontario land surveyor shall be registered in the proper registry or land titles office and thereupon the land shall be vested in His Majesty in right of the Province of Ontario. Idem.

2. Section 24 of *The Statute Labour Act*, as amended by section 6 of *The Statute Labour Amendment Act, 1945*, further amended by adding thereto the following subsection: Rev. Stat.,
c. 274, s. 24,
is amended.

(2a) Where road commissioners have been elected for any unincorporated area the secretary-treasurer shall enter in the statute labour book the name, date of birth and place of abode of every male inhabitant thereof who,— Statute
labour in
unincor-
porated
areas.

(a) is twenty-one years or over and under sixty years of age;

(b) is not exempt from performing statute labour;

(c) is not otherwise assessed for statute labour in the area;

(d) has not filed with the secretary-treasurer a certificate showing that he has been assessed or performed statute labour or paid poll tax elsewhere in Ontario,

and every such male inhabitant shall be liable to one day of statute labour on the roads in the area.

Rev. Stat.,
c. 274, s. 25,
subs. 2,
amended.

3. Subsection 2 of section 25 of *The Statute Labour Act*, as amended by section 7 of *The Statute Labour Amendment Act, 1945*, is further amended by striking out the words, symbols and figures "exceeding two days' labour at a rate not less than \$3 per day nor more than \$4 per day" in the second and third lines and in the amendment of 1945 and inserting in lieu thereof the words "more than two days' labour at the rate per day fixed by resolution of the commissioners under subsection 1 of section 26", so that the subsection shall read as follows:

Payment
of commis-
sioners.

(2) A commissioner may be paid out of the commutation fund for not more than two days' labour at the rate per day fixed by resolution of the commissioners under subsection 1 of section 26 if performed by him over and above the number of days' labour he may by law be required to perform in respect of his own property.

Rev. Stat.,
c. 274, s. 26,
subs. 1,
amended.

4. Subsection 1 of section 26 of *The Statute Labour Act*, as amended by section 8 of *The Statute Labour Amendment Act, 1945*, is further amended by striking out the words, symbols and figures "a rate not less than \$3 per day nor more than \$4 per day as may be fixed by resolution of the commissioners" in the second, third and fourth lines and in the amendment of 1945 and inserting in lieu thereof the words "the rate per day fixed by resolution of the commissioners which rate shall not be greater than the rate per day paid for labour by the Department of Highways", so that the subsection shall read as follows:

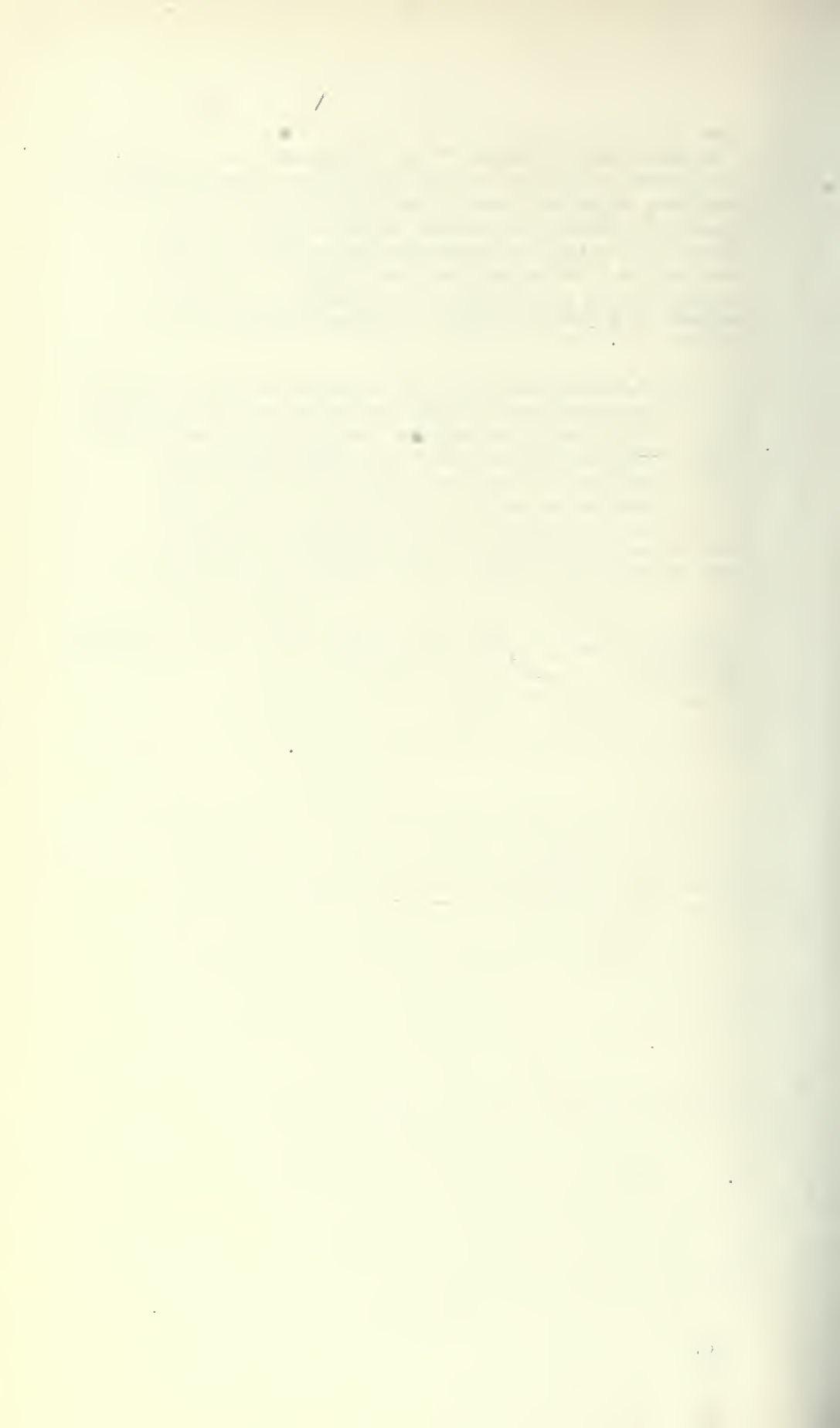
Commuta-
tion.

(1) Any person instead of performing the statute labour required of him may commute therefor by payment at the rate per day fixed by resolution of the commissioners which rate shall not be greater than the rate per day paid for labour by the Department of Highways, and the commissioners shall expend all commutation money upon the roads on which the labour which is commuted for should have been performed, unless in the opinion of the commissioners, such money should be expended on other roads under their jurisdiction.

5. Subsection 1 of section 27 of *The Statute Labour Act*, Rev. Stat., c. 274, s. 27, amended. as amended by section 9 of *The Statute Labour Amendment Act, 1945*, is further amended by striking out the words, symbols and figures "not less than \$3 per day nor more than \$4 per day" in the second line and in the amendment of 1945 and inserting in lieu thereof the words "computed at the rate per day fixed by resolution of the commissioners under subsection 1 of section 26", so that the subsection shall read as follows:

- (1) The commissioners may by resolution direct that a Commuta-
tion of
statute
labour in
townships. sum computed at the rate per day fixed by resolution of the commissioners under subsection 1 of section 26 shall be paid as commutation of statute labour for the whole of the township; provided, however, that such resolution shall not take effect until the same has been submitted to and sanctioned by the majority of the landholders present at the annual meeting or at a special meeting called in the manner provided for in this Act for the election of commissioners.

6. This Act may be cited as *The Statute Labour Amendment Act, 1950*. Short title.



BILL

An Act to amend The Statute Labour Act.

1st Reading

March 8th, 1950

2nd Reading

March 10th, 1950

3rd Reading

March 15th, 1950

MR. DOUCETT

No. 92

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Loan and Trust Corporations Act, 1949.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of the new section 13a is to enable a loaning land corporation (i.e., a corporation incorporated for the purpose of lending money on the security of real estate and of carrying on the business of buying and selling land) which no longer carries on business as such to amend its letters patent by the deletion of the powers which make it a loaning land corporation and thus avoid the necessity of complying with the provisions of *The Loan and Trust Corporations Act*. Such a corporation would then function under its remaining powers under *The Companies Act*.

This change cannot be made by supplementary letters patent under *The Companies Act* as corporations registered under *The Loan and Trust Corporations Act* are excepted from *The Companies Act*. Hence this section.

The purpose of the new section 74a is to authorize all trust companies carrying on business in Ontario to establish and operate common trust funds. A common trust fund is one in which moneys belonging to a number of estates and trusts are combined for investment purposes thus affording a method under which the moneys of a number of small and medium sized estates and trusts are combined for the purpose of receiving greater safety of principal and stability of income through the resulting diversification of risks and reduction in administration costs.

No. 92

1950

BILL

An Act to amend The Loan and Trust Corporations Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Loan and Trust Corporations Act, 1949* is amended ^{1949, c. 52, amended.} by adding thereto the following sections:

- 13a.—(1) The directors of any loaning land corporation ^{Loaning land corporations, power to withdraw from Act.} may pass a by-law to delete from its letters patent the power to lend money on the security of real estate and the power to receive deposits.
- (2) No such by-law shall have any effect until it has been ^{Ratification and confirmation.} ratified by a vote of shareholders present or represented by proxy at a general meeting of the corporation duly called for considering such by-law and holding not less than two-thirds of the issued capital stock of the corporation represented at such meeting, and until it has been confirmed by the Lieutenant-Governor in Council.
- (3) At any time not more than six months after the ^{Petition for confirmation.} ratification of such by-law, the directors may petition the Lieutenant-Governor in Council for confirmation of the by-law.
- (4) The Lieutenant-Governor in Council may grant such ^{Conditions precedent to confirmation.} confirmation if he is satisfied of the *bona fide* character of the changes provided for in the by-law and that the confirmation of the by-law is in the public interest.
- (5) The confirmation by the Lieutenant-Governor in ^{Evidence of confirmation.} Council may be evidenced by a certificate of the Minister or by a certified copy of the Minister's certificate and such certificate or certified copy thereof shall be conclusive evidence of all matters therein certified and of the due performance of all matters precedent to the granting thereof.

Effect of
confirmation.

- (6) Upon the confirmation of such by-law, the corporation shall cease to be a corporation within the meaning of this Act and the Registrar shall forthwith transfer all papers in his department connected with the corporation to the Provincial Secretary.
-

Common
trust funds
authorized.

- 74a.—(1) Notwithstanding the provisions of this or any other Act, any provincial trust company and any other registered trust company that has capacity to do so may, unless the trust instrument otherwise directs, invest trust money in one or more common trust funds of the company and where trust money is held by the company as a co-trustee, the investment thereof in a common trust fund may be made by the company with the consent of its co-trustees whether the co-trustees are individuals or corporations.

Regulations.

- (2) The Lieutenant-Governor in Council may make regulations with respect to the establishment and operation of common trust funds and the investment of trust money in such funds.

"Common
trust fund"
defined.

- (3) In this section, "common trust fund" means a fund maintained by a trust company in which money belonging to various estates and trusts in its care is combined for the purpose of facilitating investment.

Short title.

- 2.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1950 (No. 2)*.

An Act to amend The Loan and Trust
Corporations Act, 1949.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 92

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Loan and Trust Corporations Act, 1949.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 92

1950

BILL

An Act to amend The Loan and Trust Corporations Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Loan and Trust Corporations Act, 1949* is amended ^{1949, c. 52, amended.} by adding thereto the following sections:

- 13a.—(1) The directors of any loaning land corporation ^{Loaning land corporations, power to withdraw from Act.} may pass a by-law to delete from its letters patent the power to lend money on the security of real estate and the power to receive deposits.
- (2) No such by-law shall have any effect until it has been ^{Ratification and confirmation.} ratified by a vote of shareholders present or represented by proxy at a general meeting of the corporation duly called for considering such by-law and holding not less than two-thirds of the issued capital stock of the corporation represented at such meeting, and until it has been confirmed by the Lieutenant-Governor in Council.
- (3) At any time not more than six months after the ^{Petition for confirmation.} ratification of such by-law, the directors may petition the Lieutenant-Governor in Council for confirmation of the by-law.
- (4) The Lieutenant-Governor in Council may grant such ^{Conditions precedent to confirmation.} confirmation if he is satisfied of the *bona fide* character of the changes provided for in the by-law and that the confirmation of the by-law is in the public interest.
- (5) The confirmation by the Lieutenant-Governor in ^{Evidence of confirmation.} Council may be evidenced by a certificate of the Minister or by a certified copy of the Minister's certificate and such certificate or certified copy thereof shall be conclusive evidence of all matters therein certified and of the due performance of all matters precedent to the granting thereof.

Effect of
confirmation.

- (6) Upon the confirmation of such by-law, the corporation shall cease to be a corporation within the meaning of this Act and the Registrar shall forthwith transfer all papers in his department connected with the corporation to the Provincial Secretary.

.

Common
trust funds
authorized.

- 74a.—(1) Notwithstanding the provisions of this or any other Act, any provincial trust company and any other registered trust company that has capacity to do so may, unless the trust instrument otherwise directs, invest trust money in one or more common trust funds of the company and where trust money is held by the company as a co-trustee, the investment thereof in a common trust fund may be made by the company with the consent of its co-trustees whether the co-trustees are individuals or corporations.

Regulations.

- (2) The Lieutenant-Governor in Council may make regulations with respect to the establishment and operation of common trust funds and the investment of trust money in such funds.

"Common
trust fund"
defined.

- (3) In this section, "common trust fund" means a fund maintained by a trust company in which moneys belonging to various estates and trusts in its care are combined for the purpose of facilitating investment.

Short title.

2. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1950 (No. 2)*.

An Act to amend The Loan and Trust
Corporations Act, 1949.

1st Reading

March 8th, 1950

2nd Reading

March 10th, 1950

3rd Reading

March 15th, 1950

MR. PORTER

No. 93

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Teachers' Superannuation Act, 1949.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The provisions respecting this special group (section 58 of the 1949 Act) are enlarged so that teachers joining the staffs of these institutions will not be required to stop contributing to the Teachers' Superannuation Fund and contribute to some other fund unless they so desire.

SECTION 2. Section 30 provides a disability allowance for persons who enter the teaching profession with an impairment that may force their retirement before the completion of a normal period of teaching.

Subsection 3 fixes the amount of such allowances. The substitution of "twenty-five years" for "thirty years" in clauses *a* and *b* will enable this provision to be applied in all cases in the manner intended. The thirty-year requirement is now out of line with section 27, referred to in subclause *i* of clause *b*.

BILL

An Act to amend The Teachers' Superannuation Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Teachers' Superannuation Act, 1949* is amended by adding thereto the following sub-clause: ^{1949, c. 102, s. 1, cl. *d* amended.}

(iva) as a teacher on the instructional staff of any normal school in Ontario, the Ontario College of Education, the University of Toronto Schools, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses, the Royal Ontario Museum, or any railway-car school where the teacher has contributed to the fund for a period of at least one year and does not contribute to any other superannuation fund to which the Crown contributes.

2. Subsection 3 of section 30 of *The Teachers' Superannuation Act, 1949*, is amended by striking out the word "thirty" ^{1949, c. 102, s. 30, subs. 3, amended.} where it occurs in the second line of clause *a* and clause *b* respectively and inserting in lieu thereof the word "twenty-five", so that the subsection shall read as follows:

(3) The amount of such allowance shall be,— Amount.

(a) in the case of a person who has credit in the fund for less than twenty-five school years, an amount equal to that which would be payable under an annuity issued under the *Government Annuities Act* (Canada) purchased at ^{R.S.C., c. 7.} the rates in force at the date of such application with an amount equal to all the contributions made by him to the fund together with those made on his behalf by the Treasurer of Ontario; and

- (b) in the case of a person who has credit in the fund for twenty-five or more school years,
- (i) the amount that he would be entitled to receive under section 24, 25, 26 or 27, or
- (ii) the amount computed in the manner prescribed by clause *a*,
- whichever is the larger.

1949, c. 102,
s. 31, subs. 1,
amended.

3.—(1) Subsection 1 of section 31 of *The Teachers' Superannuation Act, 1949* is amended by inserting after the word "ill-health" in the third line the words "or within one year after ceasing to be employed for any reason other than ill-health during which year he manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible", so that the subsection, exclusive of the clauses, shall read as follows:

Dependants'
allowances.

- (1) Where a male person who has credit in the fund for fifteen or more years dies while employed or within two years after ceasing to be employed on account of ill-health, or within one year after ceasing to be employed for any reason other than ill-health during which year he manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or where a male person who is in receipt of an allowance dies,—

.

1949, c. 102,
c. 31, subs. 5,
re-enacted.

- (2) Subsection 5 of the said section 31 is repealed and the following substituted therefor:

Children
of deceased
female
teachers.

- (5) This section shall apply *mutatis mutandis* to the child or children of a female person,—

- (a) who was a widow at the time of her death; or
- (b) who was married at the time of her death and who supported such child or children at the time of her death, where the widower is not entitled to an allowance under subsection 4.

"Child"
interpreted.

- (5a) In this section, "child" includes adopted child and step-child and "children" has a corresponding meaning.

SECTION 3—Subsection 1. The words added bring within the section (which provides for dependants' allowances) the case of a teacher who through no fault of his own is temporarily without a teaching contract.

Subsection 2. In subsection 5 only clause *b* is new. When read with subsection 4 the result is that the children of a deceased female teacher who dies leaving a widower are afforded pension protection where the children were supported by the teacher at the time of her death whether or not the surviving widower was dependent on her.

Subsection 5*a* is new. It extends the benefits of dependants' pensions to adopted children and step-children of the deceased teacher.

SECTION 4. This subsection complements subsection 1 of section 39 of the Act and covers the case of a recipient of a dependant's allowance who commences to teach and then ceases to teach. The allowance is not paid during the period of employment but is paid again as soon as the dependant ceases to teach.

SECTION 5. Under the 1949 Act refunds of less than \$800 are paid in lump sums. The amendment removes the \$800 floor so that any refund regardless of amount may be paid in a lump sum or in instalments in accordance with the wishes of the person entitled to the money.

SECTION 6. This refund provision is intended to apply only to teachers who have taught for fifteen or more years and who are forced to retire because of age before they become entitled to an allowance.

The amendment is designed to clarify the type of case intended to be covered.

SECTION 7. This section deals with the case of a teacher who stops teaching, is refunded his contributions and then recommences teaching. The section permits him to be reinstated in respect of his former period of teaching. The section as re-enacted omits the notice requirement of the present section and also covers the case of a teacher who goes on pension before having repaid the full amount due to reinstate him in respect of his former period of teaching.

4. Section 40 of *The Teachers' Superannuation Act, 1949* is amended by adding thereto the following subsection: 1949, c. 102, s. 40, amended.

- (2) Where a person who ceased to receive a dependant's allowance because of employment ceases to be employed, payment of the allowance shall be resumed upon receipt by the Commission of a notice in writing of the cessation of employment. Resumption of dependant's allowance.

5. Subsections 2 and 3 of section 45 of *The Teachers' Superannuation Act, 1949* are repealed and the following substituted therefor: 1949, c. 102, s. 45, subs. 2, re-enacted; subs. 3, repealed.

- (2) Every refund shall be paid in a lump sum unless the person to whom it is payable, or where he has died, his personal representative, states in the application that he wishes the amount to be paid in instalments, in which case the amount shall be paid in three equal instalments without additional interest on the days fixed by the Commission for the purpose. Manner of payment.

6. Subsection 2 of section 46 of *The Teachers' Superannuation Act, 1949* is amended by striking out the words "ceases to be employed by reason of a by-law or resolution of the board or other authority employing him" in the second and third lines and inserting in lieu thereof the words "who, because he has reached the age limit specified in a by-law or resolution of the board or other authority employing him, ceases to be employed", so that the subsection shall read as follows: 1949, c. 102, s. 46, subs. 2, amended.

- (2) A person who has been employed for fifteen or more school years and who, because he has reached the age limit specified in a by-law or resolution of the board or other authority employing him, ceases to be employed before he becomes entitled to an allowance under this Act, shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of refund at the rate of four per centum per annum compounded half-yearly. Forced retirement because of age.

7. Section 48 of *The Teachers' Superannuation Act, 1949* is repealed and the following substituted therefor: 1949, c. 102, s. 48, re-enacted.

48. A person who has withdrawn his contributions from the fund and subsequently is employed for not fewer than twenty days in a school year and desires to be reinstated in the fund in respect of his former period of employment, may be so reinstated by paying into the fund within five years from the date he Repayment of refund on re-employment.

commenced the subsequent period of employment or before the 1st day of April, 1954, whichever is the later date, the amount previously refunded to him, and any disability or superannuation allowance or other payment out of the fund to which he may be entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount withdrawn and not repaid, and if he does not comply with this section he shall have no interest in the fund in respect of his former period of employment.

1949, c. 102,
s. 53,
amended.

8. Section 53 of *The Teachers' Superannuation Act, 1949* is amended by inserting after the word "dies" in the second line the words "and no dependant's allowance becomes payable on his death", so that the section shall read as follows:

Death
before
receiving
allowance.

53. Where a person who has been employed for five or more years and who is not in receipt of an allowance dies and no dependant's allowance becomes payable on his death, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly.

1949, c. 102,
s. 54,
amended.

9. Section 54 of *The Teachers' Superannuation Act, 1949* is amended by inserting after the word "dies" in the first line the words "and no dependant's allowance becomes payable on his death", so that the section shall read as follows:

Death after
becoming
entitled to
allowance.

54. Where a person who is in receipt of an allowance dies and no dependant's allowance becomes payable on his death, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by the person to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to the person with interest to the date of death at the rate of three per centum per annum compounded half-yearly.

1949, c. 102,
s. 58, re-
pealed.

10. Section 58 of *The Teachers' Superannuation Act, 1949* is repealed.

"Maximum"
interpreted.

11. In sections 62 and 63 of *The Teachers' Superannuation Act, 1949*, the expression "maximum" shall be interpreted as having reference only to maxima expressed in dollars, and every allowance affected by section 62 or 63 shall be computed accordingly.

SECTIONS 8 and 9. The words added were inadvertently omitted from the 1949 Act. Obviously it was not intended that a refund should be payable in cases where a dependant's allowance is payable.

SECTION 10. The special group covered by this section will be dealt with in subclause *iva* of clause *d* of section 1. This transfer from section 58 to section 1 is advisable as the group is now a continuing group whereas under the 1949 Act the group was closed and consequently the section was of a temporary nature. See note to section 1 of this Bill.

SECTION 11. This provision is designed to clarify the intended meaning of the expression "maximum" as used in sections 62 and 63 of the 1949 Act. Both deal with the change-over from the 1946 Act to the 1949 Act.

SECTION 12. The amendments are made effective as of April 1st, 1949, which was the day on which the present Act came into force.

12. This Act shall be deemed to have come into force on the 1st day of April, 1949. Commence-
ment of Act;
retroactive
effect.

13. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1950.* Short title.

BILL

An Act to amend 'The Teachers'
Superannuation Act, 1949.'

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 93

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Teachers' Superannuation Act, 1949.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 93

1950

BILL

An Act to amend The Teachers' Superannuation Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Teachers' Superannuation Act, 1949* is amended by adding thereto the following sub-^{1949, c. 102, s. 1, cl. *d* amended.} clause:

(*iva*) as a teacher on the instructional staff of any normal school in Ontario, the Ontario College of Education, the University of Toronto Schools, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses, the Royal Ontario Museum, or any railway-car school where the teacher has contributed to the fund for a period of at least one year and does not contribute to any other superannuation fund to which the Crown contributes.

2. Subsection 3 of section 30 of *The Teachers' Superannuation Act, 1949*, is amended by striking out the word "thirty" ^{1949, c. 102, s. 30, subs. 3, amended.} where it occurs in the second line of clause *a* and clause *b* respectively and inserting in lieu thereof the word "twenty-five", so that the subsection shall read as follows:

(3) The amount of such allowance shall be,— Amount.

(*a*) in the case of a person who has credit in the fund for less than twenty-five school years, an amount equal to that which would be payable under an annuity issued under the *Govern-^{R.S.C., c. 7.}ment Annuities Act* (Canada) purchased at the rates in force at the date of such application with an amount equal to all the contributions made by him to the fund together with those made on his behalf by the Treasurer of Ontario; and

(b) in the case of a person who has credit in the fund for twenty-five or more school years,

(i) the amount that he would be entitled to receive under section 24, 25, 26 or 27, or

(ii) the amount computed in the manner prescribed by clause *a*,

whichever is the larger.

1949, c. 102,
c. 31, subs. 1,
amended.

3.—(1) Subsection 1 of section 31 of *The Teachers' Superannuation Act, 1949* is amended by inserting after the word "ill-health" in the third line the words "or within one year after ceasing to be employed for any reason other than ill-health during which year he manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible", so that the subsection, exclusive of the clauses, shall read as follows:

Dependants'
allowances.

(1) Where a male person who has credit in the fund for fifteen or more years dies while employed or within two years after ceasing to be employed on account of ill-health, or within one year after ceasing to be employed for any reason other than ill-health during which year he manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or where a male person who is in receipt of an allowance dies,—

.

1949, c. 102,
c. 31, subs. 5,
re-enacted.

(2) Subsection 5 of the said section 31 is repealed and the following substituted therefor:

Children
of deceased
female
teachers.

(5) This section shall apply *mutatis mutandis* to the child or children of a female person,—

(a) who was a widow at the time of her death; or

(b) who was married at the time of her death and who supported such child or children at the time of her death, where the widower is not entitled to an allowance under subsection 4.

"Child"
interpreted.

(5a) In this section, "child" includes adopted child and step-child and "children" has a corresponding meaning.

4. Section 40 of *The Teachers' Superannuation Act, 1949* 1949, c. 102,
is amended by adding thereto the following subsection: s. 40,
amended.

- (2) Where a person who ceased to receive a dependant's Resumption
allowance because of employment ceases to be em- of depen-
ployed, payment of the allowance shall be resumed dant's
upon receipt by the Commission of a notice in writing allowance.
of the cessation of employment.

5. Subsections 2 and 3 of section 45 of *The Teachers' Superannuation Act, 1949* 1949, c. 102,
are repealed and the following substituted therefor: s. 45, subs. 2,
re-enacted,
subs. 3,
repealed.

- (2) Every refund shall be paid in a lump sum unless the Manner of
person to whom it is payable, or where he has died, payment.
his personal representative, states in the application
that he wishes the amount to be paid in instalments,
in which case the amount shall be paid in three
equal instalments without additional interest on the
days fixed by the Commission for the purpose.

6. Subsection 2 of section 46 of *The Teachers' Superannuation Act, 1949* 1949, c. 102,
is amended by striking out the words s. 46, subs. 2,
"ceases to be employed by reason of a by-law or resolution amended.
of the board or other authority employing him" in the second
and third lines and inserting in lieu thereof the words "who,
because he has reached the age limit specified in a by-law or
resolution of the board or other authority employing him,
ceases to be employed", so that the subsection shall read as
follows:

- (2) A person who has been employed for fifteen or more Forced re-
school years and who, because he has reached the age tirement
limit specified in a by-law or resolution of the board because of
or other authority employing him, ceases to be age.
employed before he becomes entitled to an allowance
under this Act, shall be entitled to a refund of an
amount equal to the amounts contributed by him
to the fund with interest to the date of refund at
the rate of four per centum per annum compounded
half-yearly.

7. Section 48 of *The Teachers' Superannuation Act, 1949* 1949, c. 102
is repealed and the following substituted therefor: s. 48,
re-enacted.

48. A person who has withdrawn his contributions from Repayment
the fund and subsequently is employed for not of refund
fewer than twenty days in a school year and desires on re-
to be reinstated in the fund in respect of his former employment.
period of employment, may be so reinstated by pay-
ing into the fund within five years from the date he

commenced the subsequent period of employment or before the 1st day of April, 1954, whichever is the later date, the amount previously refunded to him, and any disability or superannuation allowance or other payment out of the fund to which he may be entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount withdrawn and not repaid, and if he does not comply with this section he shall have no interest in the fund in respect of his former period of employment.

1949, c. 102, s. 53, amended. **8.** Section 53 of *The Teachers' Superannuation Act, 1949* is amended by inserting after the word "dies" in the second line the words "and no dependant's allowance becomes payable on his death", so that the section shall read as follows:

Death before receiving allowance.

53. Where a person who has been employed for five or more years and who is not in receipt of an allowance dies and no dependant's allowance becomes payable on his death, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly.

1949, c. 102, s. 54, amended. **9.** Section 54 of *The Teachers' Superannuation Act, 1949* is amended by inserting after the word "dies" in the first line the words "and no dependant's allowance becomes payable on his death", so that the section shall read as follows:

Death after becoming entitled to allowance.

54. Where a person who is in receipt of an allowance dies and no dependant's allowance becomes payable on his death, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by the person to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to the person with interest to the date of death at the rate of three per centum per annum compounded half-yearly.

1949, c. 102, s. 58, repealed. **10.** Section 58 of *The Teachers' Superannuation Act, 1949* is repealed.

"Maximum" interpreted. **11.** In sections 62 and 63 of *The Teachers' Superannuation Act, 1949*, the expression "maximum" shall be interpreted as having reference only to maxima expressed in dollars, and every allowance affected by section 62 or 63 shall be computed accordingly.

12. This Act shall be deemed to have come into force on Commence-
the 1st day of April, 1949. ment of Act;
retroactive
effect.

13. This Act may be cited as *The Teachers' Superannua-* Short title.
ion Amendment Act, 1950.

BILL

An Act to amend 'The Teachers'
Superannuation Act, 1949.

1st Reading

March 8th, 1950

2nd Reading

March 13th, 1950

3rd Reading

March 15th, 1950

Mr. PORTER

No. 94

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Athletics Control Act, 1947.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Self-explanatory. The word is used in clause *b* of subsection 1 of section 12*a* of the Act. See section 3 of this Bill.

SECTION 2. Section 5 of the Act, which deals with investigations, is re-enacted in greater detail. Under the present section no moneys can be impounded until the Minister makes an order, but by the time this can be done the moneys in question often can not be found or are out of the Province. The new section provides an effective procedure for impounding such moneys.

BILL

An Act to amend The Athletics Control Act, 1947.

HIS MAJESTY,[†] by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Athletics Control Act, 1947*, as amended ^{1947, c. 4,} by section 1 of *The Athletics Control Amendment Act, 1949*, ^{S. 1,} amended, is further amended by adding thereto the following clause:

(cc) "official" shall include examiner, judge, master of "official" ceremonies, legally qualified medical practitioner, referee and time-keeper.

2. Section 5 of *The Athletics Control Act, 1947* is repealed ^{1947,} and the following substituted therefor: ^{c. 4, s. 5,} re-enacted.

5.—(1) Where the Commissioner or any other person charges,—

Impounding
of boxing
and wrest-
ling purses,
etc.

(a) that any boxing or wrestling contest or exhibition was conducted in violation of this Act or the regulations;

(b) that any agreement, contract or undertaking with respect to any boxing or wrestling contest or exhibition was entered into in violation of this Act or the regulations; or

(c) that the conduct of any person connected with or participating in any boxing or wrestling contest or exhibition was in violation of this Act or the regulations or was not in the interest of boxing or wrestling,

the Commissioner may order any person to deliver to him forthwith any moneys which were paid or may be payable in connection with such contest or exhibition and such moneys shall be impounded by him pending the disposition of the charge.

Investiga-
tion.

- (2) The Minister may direct the Commissioner or any other person to hold an investigation into the charge so made and to report thereon to him, and if in his opinion the charge has been proven, he may declare the moneys impounded to be forfeited, and such moneys shall thereupon become the property of the Crown.

Release of
impounded
moneys.

- (3) If the Minister does not direct an investigation or if he is of the opinion that the charge has not been proven, he shall order any moneys impounded to be released.

Penalty.

- (4) Every person who fails to deliver moneys to the Commissioner in pursuance of an order made under subsection 1 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than an amount equal to twice the amount of the moneys ordered to be delivered.

1947, c. 4;
amended.

3. *The Athletics Control Act, 1947* is amended by adding thereto the following section:

Powers of
Commis-
sioner.

12a.—(1) The Commissioner may,—

- (a) delegate to any person any of the powers or duties conferred or imposed upon him by the regulations;
- (b) designate the officials for any professional contest or exhibition or any amateur boxing or wrestling contest or exhibition and fix the fees that shall be paid to them by the person holding the contest or exhibition.

Admission
to contests
and exhibi-
tions.

- (2) The Commissioner or any person to whom he has delegated any of his powers or duties shall be admitted without charge to professional contests and exhibitions and amateur boxing and wrestling contests and exhibitions.

1947,
c. 4, s. 13,
subs. 1,
amended.

4.—(1) Subsection 1 of section 13 of *The Athletics Control Act, 1947* is amended by adding thereto the following clause:

- (aa) authorizing the Commissioner,
 - (i) to order any amateur or professional boxing contest or exhibition to be stopped if he deems it necessary,

SECTION 3. Clause *a* of subsection 1 of the new section 12*a* is necessary to enable the Athletics Commissioner to be represented when boxing and wrestling shows are held on the same night in different places. Clause *b* is designed to ensure the appointment of officials of the highest calibre. Subsection 2 is self-explanatory.

SECTION 4. Power is given the Minister with the approval of the Lieutenant-Governor in Council to make regulations on the specific matters mentioned so that an adequate set of regulations may be made. The penalty section is clarified and as re-enacted will prevent the imposition of two penalties in respect of the same matter.

- (ii) to approve the persons who may take part in professional boxing contests or exhibitions of more than ten three-minute rounds,
- (iii) to designate the time and place of weighing in for amateur and professional boxers and wrestlers,
- (iv) to prescribe the time-limit for amateur and professional boxing and wrestling contests and exhibitions,
- (v) to direct a professional boxing contest or exhibition to be held notwithstanding a boxer under contract to take part therein is overweight,
- (vi) to settle disputes referred to him by professional boxers and persons holding professional boxing contests or exhibitions,
- (vii) to permit a substitute for a boxer who is unable or refuses to take part in a professional boxing contest or exhibition,
- (viii) to determine the announcements that may be made from the ring in amateur and professional boxing and wrestling contests and exhibitions in addition to those authorized by the regulations.

(2) Clauses *g*, *i* and *k* of subsection 1 of the said section 13^{1947,} are repealed and the following substituted therefor:
c. 4, s. 13,
 subs. 1,
 cls. *g*, *i*, *k*,
 re-enacted.

- (*g*) authorizing the Commissioner to levy fines or other pecuniary penalties against officials or against persons who are the holders or who by the regulations are required to be the holders of licences under this Act, for failure to comply with any provision of this Act or of the regulations;

.

- (*i*) prescribing the duties of persons holding amateur or professional boxing or wrestling contests or exhibitions;
- (*ii*) prescribing the security to be furnished to the Commissioner by persons holding professional boxing or wrestling contests or exhibitions to ensure payment of officials and contestants and the amount payable to the Minister under section 4;

.

- (k) prescribing the classes of persons who may take part in amateur and professional boxing and wrestling contests and exhibitions.

1947,
c. 4, s. 13,
subs. 2,
re-enacted.

- (3) Subsection 2 of the said section 13 is repealed and the following substituted therefor:

Penalty.

- (2) Every person who fails to comply with any provision of this Act or of the regulations shall be guilty of an offence and on summary conviction shall be liable, if no other penalty is provided, to a penalty of not less than \$20 and not more than \$1,000.

Duplica-
tion of
penalties.

- (3) Where a fine or other pecuniary penalty has been levied by the Commissioner under the regulations and such fine or penalty has been paid, no proceedings shall be taken under *The Summary Convictions Act* in respect of the same matter.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Athletics Control Amendment Act, 1950*.

BILL

An Act to amend The Athletics Control
Act, 1947.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 94

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Athletics Control Act, 1947.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Athletics Control Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Athletics Control Act, 1947*, as amended ^{1947, c. 4,} by section 1 of *The Athletics Control Amendment Act, 1949*, ^{s. 1,} amended, is further amended by adding thereto the following clause:

(cc) "official" shall include examiner, judge, master of "official" ceremonies, legally qualified medical practitioner, referee and time-keeper.

2. Section 5 of *The Athletics Control Act, 1947* is repealed ^{1947,} and the following substituted therefor: ^{c. 4, s. 5,} re-enacted.

5.—(1) Where the Commissioner or any other person charges,— ^{Impounding of boxing and wrestling purses, etc.}

(a) that any boxing or wrestling contest or exhibition was conducted in violation of this Act or the regulations;

(b) that any agreement, contract or undertaking with respect to any boxing or wrestling contest or exhibition was entered into in violation of this Act or the regulations; or

(c) that the conduct of any person connected with or participating in any boxing or wrestling contest or exhibition was in violation of this Act or the regulations or was not in the interest of boxing or wrestling,

the Commissioner may order any person to deliver to him forthwith any moneys which were paid or may be payable in connection with such contest or exhibition and such moneys shall be impounded by him pending the disposition of the charge.

Investigation.

- (2) The Minister may direct the Commissioner or any other person to hold an investigation into the charge so made and to report thereon to him, and if in his opinion the charge has been proven, he may declare the moneys impounded to be forfeited, and such moneys shall thereupon become the property of the Crown.

Release of impounded moneys.

- (3) If the Minister does not direct an investigation or if he is of the opinion that the charge has not been proven, he shall order any moneys impounded to be released.

Penalty.

- (4) Every person who fails to deliver moneys to the Commissioner in pursuance of an order made under subsection 1 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than an amount equal to twice the amount of the moneys ordered to be delivered.

1947, c. 4, amended.

3. *The Athletics Control Act, 1947* is amended by adding thereto the following section:

Powers of Commissioner.

12a.—(1) The Commissioner may,—

- (a) delegate to any person any of the powers or duties conferred or imposed upon him by the regulations;
- (b) designate the officials for any professional contest or exhibition or any amateur boxing or wrestling contest or exhibition and fix the fees that shall be paid to them by the person holding the contest or exhibition.

Admission to contests and exhibitions.

- (2) The Commissioner or any person to whom he has delegated any of his powers or duties shall be admitted without charge to professional contests and exhibitions and amateur boxing and wrestling contests and exhibitions.

1947, c. 4, s. 13, subs. 1, amended.

4.—(1) Subsection 1 of section 13 of *The Athletics Control Act, 1947* is amended by adding thereto the following clause:

(aa) authorizing the Commissioner,

- (i) to order any amateur or professional boxing contest or exhibition to be stopped if he deems it necessary,

- (ii) to approve the persons who may take part in professional boxing contests or exhibitions of more than ten three-minute rounds,
- (iii) to designate the time and place of weighing in for amateur and professional boxers and wrestlers,
- (iv) to prescribe the time-limit for amateur and professional boxing and wrestling contests and exhibitions,
- (v) to direct a professional boxing contest or exhibition to be held notwithstanding a boxer under contract to take part therein is overweight,
- (vi) to settle disputes referred to him by professional boxers and persons holding professional boxing contests or exhibitions,
- (vii) to permit a substitute for a boxer who is unable or refuses to take part in a professional boxing contest or exhibition,
- (viii) to determine the announcements that may be made from the ring in amateur and professional boxing and wrestling contests and exhibitions in addition to those authorized by the regulations.

(2) Clauses *g*, *i* and *k* of subsection 1 of the said section 13^{1947,} are repealed and the following substituted therefor:
c. 4, s. 13,
 subs. 1,
 cls. *g*, *i*, *k*,
 re-enacted.

- (*g*) authorizing the Commissioner to levy fines or other pecuniary penalties against officials or against persons who are the holders or who by the regulations are required to be the holders of licences under this Act, for failure to comply with any provision of this Act or of the regulations;

.

- (*i*) prescribing the duties of persons holding amateur or professional boxing or wrestling contests or exhibitions;
- (*ii*) prescribing the security to be furnished to the Commissioner by persons holding professional boxing or wrestling contests or exhibitions to ensure payment of officials and contestants and the amount payable to the Minister under section 4;

.

- (k) prescribing the classes of persons who may take part in amateur and professional boxing and wrestling contests and exhibitions.

1947,
c. 4, s. 13,
subs. 2,
re-enacted.

- (3) Subsection 2 of the said section 13 is repealed and the following substituted therefor:

Penalty.

- (2) Every person who fails to comply with any provision of this Act or of the regulations shall be guilty of an offence and on summary conviction shall be liable, if no other penalty is provided, to a penalty of not less than \$20 and not more than \$1,000.

Duplica-
tion of
penalties.

- (3) Where a fine or other pecuniary penalty has been levied by the Commissioner under the regulations and such fine or penalty has been paid, no proceedings shall be taken under *The Summary Convictions Act* in respect of the same matter.

Commence-
ment of Act.

- 5.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

- 6.** This Act may be cited as *The Athletics Control Amendment Act, 1950.*

BILL

An Act to amend The Athletics Control
Act, 1947.

1st Reading

March 8th, 1950

2nd Reading

March 13th, 1950

3rd Reading

March 15th, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to repeal The Business Records Protection Act, 1947.

MR. PORTER

EXPLANATORY NOTE

It is considered that this Act is no longer required and that it now constitutes a barrier against normal extra-provincial business practices in the securities field.

No. 95

1950

BILL

An Act to repeal The Business Records
Protection Act, 1947.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. *The Business Records Protection Act, 1947* is repealed. 1947, c. 10,
repealed.
2. This Act shall come into force on the day it receives the Commence-
ment of Act.
Royal Assent.
3. This Act may be cited as *The Business Records Protection* Short title.
Repeal Act, 1950.

BILL

An Act to repeal The Business Records
Protection Act, 1947.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 96

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Extra Provincial Corporations Act.

MR. WELSH

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Companies licensed or registered under *The Insurance Act* and *The Loan and Trust Corporations Act, 1949* are not required to register under this Act. The amendment provides that companies licensed or registered under *The Investment Contracts Act, 1948* are now not required to register under this Act.

SECTION 2. Section 19 is re-enacted to bring the practice with respect to the annual report into line with the uniform practice adopted by the Department of the Provincial Secretary.

No. 96

1950

BILL

An Act to amend The Extra Provincial Corporations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Class 4 of subsection 1 of section 2 of *The Extra Provincial Corporations Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 252, s. 2,
subs. 1,
class 4,
re-enacted.

Class 4. Corporations now or hereafter licensed or registered under *The Insurance Act*, *The Loan and Trust Corporations Act*, 1949 or *The Investment Contracts Act*, 1948.

Rev. Stat.,
c. 251,
1949, c. 52;
1948, c. 49.

2. Section 19 of *The Extra Provincial Corporations Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 252, s. 19,
re-enacted.

19.—(1) The Minister shall, after the close of each fiscal year, prepare an annual report showing the licenses issued during the preceding calendar year, the authorized stock of each company licensed and the fee paid for each license.

Annual
report.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly if it is in session, or if not, at the next ensuing session.

Tabling
of report.

3. This Act shall come into force on the day it receives the Royal Assent.

Commence-
ment of Act.

4. This Act may be cited as *The Extra Provincial Corporations Amendment Act*, 1950.

Short title.

BILL

An Act to amend The Extra Provincial
Corporations Act.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. WELSH

No. 96

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Extra Provincial Corporations Act.

MR. WELSH

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 96

1950

BILL

An Act to amend The Extra Provincial Corporations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Class 4 of subsection 1 of section 2 of *The Extra Provincial Corporations Act* is repealed and the following substituted therefor: Rev. Stat., c. 252, s. 2, subs. 1, class 4, re-enacted.

Class 4. Corporations now or hereafter licensed or registered under *The Insurance Act*, *The Loan and Trust Corporations Act*, 1949 or *The Investment Contracts Act*, 1948. Rev. Stat., c. 251, 1949, c. 52; 1948, c. 49.

2. Section 19 of *The Extra Provincial Corporations Act* is repealed and the following substituted therefor: Rev. Stat., c. 252, s. 19, re-enacted.

19.—(1) The Minister shall, after the close of each fiscal year, prepare an annual report showing the licenses issued during the preceding calendar year, the authorized stock of each company licensed and the fee paid for each license. Annual report.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly if it is in session, or if not, at the next ensuing session. Tabling of report.

3. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The Extra Provincial Corporations Amendment Act*, 1950. Short title.

BILL

An Act to amend The Extra Provincial
Corporations Act.

1st Reading

March 8th, 1950

2nd Reading

March 10th, 1950

3rd Reading

March 15th, 1950

MR. WELSH

No. 97

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Public Service Act, 1947.

MR. WELSH

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Under the present section in case of death, twice the amount of the contributions plus interest is paid to the personal representative. As re-enacted this double amount will be paid only where a widow or a child or children are left.

SECTION 2. Under the present Act widows and children of the class defined in subsection 3 of section 27 are not entitled to an allowance. Any right to a payment is under section 25, that is, a double refund. But this applies only in the case of the death of an employee, not in the case of the death of a former employee who is in receipt of an allowance.

As re-enacted subsection 3 corrects this oversight and specifically sets out what such widows and children will be entitled to.

The new provision is dated back to March 1st, 1948, which was the date the present Act came into force, in order not to disbar any person entitled to the payments intended. See section 4 of this Bill.

SECTION 3. Section 34 permitted persons who were civil servants on March 1st, 1948 and who were formerly school teachers to transfer their contributions from the teachers' superannuation fund to the public service superannuation fund if they made a request to do so before July 1st, 1948.

The amendments extend this period to July 1st, 1950.

No. 97

1950

BILL

An Act to amend The Public Service Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Public Service Act, 1947* is repealed and the following substituted therefor: 1947, c. 89, s. 25. re-enacted.

25. Where an employee,—

Retirement or death before super-annuation.

(a) having attained retiring age is retired; or

(b) dies leaving a widow or a child or children,

before he is entitled to a superannuation allowance, twice the amount of his contributions, with interest at three per centum per annum, shall be paid to him in monthly instalments or otherwise as he may direct or to his widow or child or children, as the case may be.

2. Subsection 3 of section 27 of *The Public Service Act, 1947* is repealed and the following substituted therefor: 1947, c. 89, s. 27, subs. 3, re-enacted.

(3) Subsection 1 shall not apply to the widow of an employee or former employee if she married him after he attained the age of sixty years or after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions with interest at three per centum per annum, less the total amount of the allowance paid to him, if any, shall be paid to such widow or child or children, as the case may be. Late marriages.

3.—(1) Subsection 1 of section 34 of *The Public Service Act, 1947*, as re-enacted by section 7 of *The Public Service Amendment Act, 1948*, is amended by striking out the figures “1948” in the fourth line and inserting in lieu thereof the figures “1950”, so that the subsection shall read as follows: 1947, c. 89, s. 34, subs. 1 (1948, c. 74, s. 7), amended.

Teachers
and inspec-
tors em-
ployees on
March 1st,
1948.

- (1) Where a person who was an employee on the 1st day of March, 1948, so requests the Teachers' and Inspectors' Superannuation Commission and the Board in writing, before the 1st day of July, 1950, an amount equal to his contributions and credits in the teachers' and inspectors' superannuation fund with accumulated interest shall be transferred to the Fund from the teachers' and inspectors' superannuation fund.

1947,
c. 89, s. 34,
subs. 2
(1948,
c. 74, s. 7),
amended.

- (2) Subsection 2 of the said section 34 is amended by striking out the figures "1948" in the fifth line and inserting in lieu thereof the figures "1950", so that the subsection shall read as follows:

Where con-
tributions
withdrawn.

- (2) Where a person who was an employee on the 1st day of March, 1948, has withdrawn his contributions from the teachers' and inspectors' superannuation fund, he may pay into the Fund before the 1st day of July, 1950, the amount withdrawn with interest from the date of such withdrawal at four and three-quarters per centum per annum compounded half-yearly.

Commence-
ment of Act;
s. 2 retro-
active.

4. This Act shall come into force on the day it receives the Royal Assent and section 2 shall be deemed to have come into force on the 1st day of March, 1948.

Short title.

5. This Act may be cited as *The Public Service Amendment Act, 1950*.



An Act to amend The Public
Service Act, 1947.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. WELSH

No. 97

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Public Service Act, 1947.

MR. WELSH

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 97

1950

BILL

An Act to amend The Public Service Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Public Service Act, 1947* is repealed and the following substituted therefor: 1947, c. 89, s. 25. re-enacted.

25. Where an employee,—

(a) having attained retiring age is retired; or

(b) dies leaving a widow or a child or children,

before he is entitled to a superannuation allowance, twice the amount of his contributions, with interest at three per centum per annum, shall be paid to him in monthly instalments or otherwise as he may direct or to his widow or child or children, as the case may be.

Retirement or death before super-annuation.

2. Subsection 3 of section 27 of *The Public Service Act, 1947* is repealed and the following substituted therefor: 1947, c. 89, s. 27, subs. 3, re-enacted.

(3) Subsection 1 shall not apply to the widow of an employee or former employee if she married him after he attained the age of sixty years or after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions with interest at three per centum per annum, less the total amount of the allowance paid to him, if any, shall be paid to such widow or child or children, as the case may be. Late marriages.

3.—(1) Subsection 1 of section 34 of *The Public Service Act, 1947*, as re-enacted by section 7 of *The Public Service Amendment Act, 1948*, is amended by striking out the figures “1948” in the fourth line and inserting in lieu thereof the figures “1950”, so that the subsection shall read as follows: 1947, c. 89, s. 34, subs. 1 (1948, c. 74, s. 7), amended.

Teachers
and inspec-
tors em-
ployees on
March 1st,
1948.

- (1) Where a person who was an employee on the 1st day of March, 1948, so requests the Teachers' and Inspectors' Superannuation Commission and the Board in writing, before the 1st day of July, 1950, an amount equal to his contributions and credits in the teachers' and inspectors' superannuation fund with accumulated interest shall be transferred to the Fund from the teachers' and inspectors' superannuation fund.

1947,
c. 89, s. 34,
subs. 2
(1948,
c. 74, s. 7),
amended.

- (2) Subsection 2 of the said section 34 is amended by striking out the figures "1948" in the fifth line and inserting in lieu thereof the figures "1950", so that the subsection shall read as follows:

Where con-
tributions
withdrawn.

- (2) Where a person who was an employee on the 1st day of March, 1948, has withdrawn his contributions from the teachers' and inspectors' superannuation fund, he may pay into the Fund before the 1st day of July, 1950, the amount withdrawn with interest from the date of such withdrawal at four and three-quarters per centum per annum compounded half-yearly.

Commence-
ment of Act;
s. 2 retro-
active.

4. This Act shall come into force on the day it receives the Royal Assent and section 2 shall be deemed to have come into force on the 1st day of March, 1948.

Short title.

5. This Act may be cited as *The Public Service Amendment Act, 1950*.



BILL

An Act to amend The Public
Service Act, 1947.

1st Reading

March 8th, 1950

2nd Reading

March 13th, 1950

3rd Reading

April 4th, 1950

MR. WELSH

No. 98

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Companies Act.

MR. WELSH

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The part of subsection 2 deleted no longer serves any purpose as loan corporations are now subject to the general tax rather than a special tax under *The Corporations Tax Act* as formerly.

SECTION 2. Mutual insurance corporations with guarantee capital stock may be licensed under this Act and the amendment provides that the investment powers of such companies must correspond with those of all other insurers.

No. 98

1950

BILL

An Act to amend The Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Companies Act* is ^{Rev. Stat., c. 251, s. 2, subs. 2, amended.} amended by striking out the words "provided that any such company shall be liable to payment of taxes as a loan corporation under section 3 of *The Corporations Tax Act*" in the eleventh, twelfth and thirteenth lines, so that the subsection shall read as follows:

(2) Notwithstanding anything in subsection 1 contained ^{Incorporation of private company with limited objects.} a private company may be incorporated under this Act with power to lend and invest money on mortgage of real estate or otherwise, and shall not by reason thereof be deemed a corporation within the meaning of *The Loan and Trust Corporations Act*, but the number of its shareholders shall be limited by its letters patent or supplementary letters patent to five, and no such company shall issue bonds, debentures or debenture stock, or borrow money by the hypothecation of its securities except from the shareholders of the said company or receive money on deposit.

2. Subsection 10 of section 300 of *The Companies Act*, ^{Rev. Stat., c. 251, s. 300, subs. 10, amended.} as amended by subsection 2 of section 2 of *The Companies Amendment Act, 1949*, is further amended by inserting after the words "fraternal societies" in the second line the words "mutual insurance corporation with guarantee capital stock", so that the subsection shall read as follows:

(10) "Insurer" in subsection 1 shall be deemed to mean ^{Meaning of "Insurer".} and include only joint stock insurance companies, fraternal societies, mutual insurance corporation with guarantee capital stock and cash-mutual insurance corporations; all other insurers may invest

Rev. Stat.,
c. 165.

their funds in any securities in which, under *The Trustee Act*, trustees may invest trust funds.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Companies Amendment Act, 1950*.

An Act to amend The Companies Act.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. WELSH

No. 98

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Companies Act.

MR. WELSH

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Companies Act* is amended by striking out the words "provided that any such company shall be liable to payment of taxes as a loan corporation under section 3 of *The Corporations Tax Act*" in the eleventh, twelfth and thirteenth lines, so that the subsection shall read as follows:

Rev. Stat.,
c. 251, s. 2,
subs. 2,
amended.
- (2) Notwithstanding anything in subsection 1 contained a private company may be incorporated under this Act with power to lend and invest money on mortgage of real estate or otherwise, and shall not by reason thereof be deemed a corporation within the meaning of *The Loan and Trust Corporations Act*, but the number of its shareholders shall be limited by its letters patent or supplementary letters patent to five, and no such company shall issue bonds, debentures or debenture stock, or borrow money by the hypothecation of its securities except from the shareholders of the said company or receive money on deposit.

Incorporation of
private
company
with limited
objects.
2. Subsection 10 of section 300 of *The Companies Act*, as amended by subsection 2 of section 2 of *The Companies Amendment Act, 1949*, is further amended by inserting after the words "fraternal societies" in the second line the words "mutual insurance corporation with guarantee capital stock", so that the subsection shall read as follows:

Rev. Stat.,
c. 251, s. 300,
subs. 10,
amended.
- (10) "Insurer" in subsection 1 shall be deemed to mean and include only joint stock insurance companies, fraternal societies, mutual insurance corporation with guarantee capital stock and cash-mutual insurance corporations; all other insurers may invest

Meaning of
"Insurer".

Rev. Stat.,
c. 165.

their funds in any securities in which, under *The Trustee Act*, trustees may invest trust funds.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Companies Amendment Act, 1950*.



BILL

An Act to amend The Companies Act.

1st Reading

March 8th, 1950

2nd Reading

March 10th, 1950

3rd Reading

March 15th, 1950

MR. WELSH

No. 99

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Public Lands Act.

MR. SCOTT (Peterborough)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

In 1949 the provisions of this Act applicable to free grant townships were amended in order to make the residence requirements less onerous to settlers.

The same principles are now made applicable to lands in sale townships.

BILL

An Act to amend The Public Lands Act.

HS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Lands Act* is amended by adding thereto the following section: Rev. Stat.,
c. 33,
amended.

51a. Where land was sold under Part I before the 23rd day of June, 1942, to actual settlers the Minister may direct the issue of letters patent to the purchaser or any person claiming under him,— Where
patents to
certain
lands in sale
townships
may issue.

- (a) who has built a house on the land that is fit for habitation and is at least sixteen feet by twenty feet in size;
- (b) who has resided on the land for a period or periods of at least three years in all; and
- (c) who, in respect of land in the district of Cochrane or Temiskaming, has cleared and cultivated ten per centum of the land where the sale was made before the 30th day of September, 1925, or fifteen acres of the land where the sale was made on or after such date, or who, in respect of land in Ontario other than in the district of Cochrane or Temiskaming, has cleared and cultivated ten per centum of the land.

2. This Act may be cited as *The Public Lands Amendment Act, 1950*. Short title.

BILL

An Act to amend The Public
Lands Act.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

Mr. SCOTT (Peterborough)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Public Lands Act.

MR. SCOTT (Peterborough)

1118

1118

BILL

An Act to amend The Public Lands Act.

HS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Lands Act* is amended by adding thereto the following section: Rev. Stat.,
c. 33,
amended

51a. Where land was sold under Part I before the 23rd day of June, 1942, to actual settlers the Minister may direct the issue of letters patent to the purchaser or any person claiming under him,— Where
patents to
certain
lands in sale
townships
may issue.

- (a) who has built a house on the land that is fit for habitation and is at least sixteen feet by twenty feet in size;
- (b) who has resided on the land for a period or periods of at least three years in all; and
- (c) who, in respect of land in the district of Cochrane or Temiskaming, has cleared and cultivated ten per centum of the land where the sale was made before the 30th day of September, 1925, or fifteen acres of the land where the sale was made on or after such date, or who, in respect of land in Ontario other than in the district of Cochrane or Temiskaming, has cleared and cultivated ten per centum of the land.

2. This Act may be cited as *The Public Lands Amendment Act, 1950*. Short title.

BILL

An Act to amend The Public
Lands Act.

1st Reading

March 8th, 1950

2nd Reading

March 10th, 1950

3rd Reading

March 15th, 1950

Mr. Scott (Peterborough)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Provincial Parks Act, 1950.

MR. SCOTT (Peterborough)

EXPLANATORY NOTE

This is the first general revision of this Act. It was passed in 1913.

Many obsolete provisions are deleted and the Act as a whole is brought into line with the present administration practices of the Department of Lands and Forests. The principles remain unchanged.

No. 100

1950

BILL

The Provincial Parks Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

(a) "Minister" means Minister of Lands and Forests;

(b) "public lands" means lands vested in the Crown.
R.S.O. 1937, c. 94, s. 1, *amended*.

2.—(1) The public lands reserved, set apart and known as Algonquin Provincial Park, Lake Superior Provincial Park, Quetico Provincial Park, Rondeau Provincial Park and Sibley Provincial Park shall continue to be reserved, set apart and known as provincial parks. R.S.O. 1937, c. 94, ss. 34, 35, 38, 39, *amended*. Present
parks con-
tinued.

(2) The public lands known as Lot B, Concession A, in the Township of Bosanquet, in the County of Lambton, are hereby reserved and set apart as a provincial park to be known as "Ipperwash Provincial Park." *New*. Ipperwash
Provincial
Park.

(3) The Lieutenant-Governor in Council may delimit any provincial park and may reserve and set apart as provincial parks any other public lands and may increase or decrease the area of any provincial park. R.S.O. 1937, c. 94, s. 3, *amended*. Power to
delimit,
add to and
subtract
from parks.

3. Any land reserved and set apart as a provincial park or a part thereof shall be deemed to be severed from the municipality, if any, of which it formed a part as from the date that it became a provincial park or a part thereof. R.S.O. 1937, c. 94, s. 33, *amended*. Separation
from muni-
cipality.

4. Where any public lands are reserved and set apart as a provincial park and such public lands include any lands that are open for settlement or sale under *The Public Lands Act*, such lands shall be deemed not to be open for settlement or sale. R.S.O. 1937, c. 94, s. 2, *part, amended*. Park lands
not open
for settle-
ment or sale.

Prospecting,
mining, etc.

5. Prospecting and staking out of mining claims or the development of mineral interests or the working of mines in provincial parks is prohibited, except as may be provided by the regulations under this Act. R.S.O. 1937, c. 94, s. 20, *amended*.

Control and
manage-
ment.

6. The Minister shall control and manage the provincial parks. R.S.O. 1937, c. 94, s. 6, *amended*.

Administra-
tors.

7. There shall be a district forester or a superintendent in charge of each provincial park who shall have such powers and perform such duties as are set out in this Act or prescribed in the regulations under this Act. *New*.

Police
officers.

8. Every district forester and superintendent in charge of a provincial park and every forest ranger in a park shall have all the power and authority of a member of the Ontario Provincial Police Force. R.S.O. 1937, c. 94, s. 24, *amended*.

Sale of
liquor.

9. No licence or other authority shall be issued for the sale of liquor as defined in *The Liquor Control Act* within any provincial park. R.S.O. 1937, c. 94, s. 21, *amended*.

Rev. Stat.,
c. 294.

Conserva-
tion of
wild life,
etc.

10. During and after the construction of any railway, highway, road, transmission line, pipe line, water power development, or other work or the carrying on of any woods, mining, industrial or other operation in a provincial park the Minister may take such measures as he may deem proper for the protection of fish, animals and birds and any property or interest of the Crown, and any expenses incurred by the Crown in connection with such protective measures, shall be borne and paid by the person who caused the work to be done or the operation to be carried on and shall be recoverable by the Minister in any court of competent jurisdiction. R.S.O. 1937, c. 94, s. 26, *amended*.

Regulations.

11.—(1) The Lieutenant-Governor in Council may make regulations,

- (a) for the care, preservation, management and improvement of provincial parks and of the watercourses, lakes, trees, shrubbery, minerals, natural curiosities and other things therein;
- (b) designating parts of provincial parks in which land may be leased or occupied under a licence of occupation for private or commercial purposes; regulating the location of sites that may be so occupied, and limiting the number of commercial resorts in each of the parts so designated;

- (c) prescribing the terms and conditions governing the cost or type of construction and the location of buildings or structures that may be erected under any lease or licence under clause *b*;
- (d) for licensing and controlling or prohibiting trades, businesses, amusements, sports, occupations and other activities or undertakings in provincial parks;
- (e) for licensing and governing guides in provincial parks;
- (f) for issuing permits for and governing the use of power boats on waters in provincial parks;
- (g) for issuing permits to persons to enter and travel about in provincial parks;
- (h) for regulating and governing air, vehicular and pedestrian traffic in provincial parks and prohibiting the use of any defined class of vehicles therein;
- (i) providing for prospecting and staking out of mining claims or the developing of mineral interests, or the working of mines, in provincial parks and for the issuing of licences of occupation for such purposes and the collection of fees or rentals therefor by the Minister of Mines;
- (j) for regulating the use, setting out and extinguishment of fires in provincial parks;
- (k) for prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign-boards and other advertising devices in provincial parks;
- (l) for prohibiting or regulating and governing horses, dogs and other animals in provincial parks;
- (m) prescribing the fees and rentals payable to the Crown for any licence, permit or lease issued or made under this Act or the regulations made thereunder;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 94, s. 6, *amended*.

(2) Any regulation made under subsection 1 may be made applicable to any provincial park or any part thereof. *New.* Application of regulations.

Penalty.

12. Every person who fails to comply with any provision of this Act or any regulation made under this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. R.S.O. 1937, c. 94, ss. 22, 31, *amended*.

Time for performing work on mining claims.

13. Any regulation relating to the computation of time for performing work in respect of mining claims staked in Lake Superior Provincial Park that may be made under clause *i* of subsection 1 of section 11 may provide that in cases of mining claims recorded before the 1st day of November, 1949, and that are in good standing, the time for performing work shall be computed from the 1st day of November, 1949, and in cases of mining claims recorded after the 1st day of November, 1949, the time for performing work shall be computed from the date of recording. *New*.

Rev. Stat., c. 94; 1946, c. 76, repealed.

14. *The Provincial Parks Act* and *The Provincial Parks Amendment Act, 1946* are repealed.

Short title.

15. This Act may be cited as *The Provincial Parks Act, 1950*.

The Provincial Parks Act, 1950.

1st Reading

March 8th, 1950

2nd Reading

3rd Reading

MR. SCOTT (Peterborough)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Provincial Parks Act, 1950.

MR. SCOTT (Peterborough)

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTE

This is the first general revision of this Act. It was passed in 1913.

Many obsolete provisions are deleted and the Act as a whole is brought into line with the present administration practices of the Department of Lands and Forests. The principles remain unchanged.

No. 100

1950

BILL

The Provincial Parks Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:


1. In this Act,

Interpre-
tation.

(a) "Minister" means Minister of Lands and Forests;

(b) "public lands" means lands vested in the Crown.
R.S.O. 1937, c. 94, s. 1, *amended*.

2.—(1) The public lands reserved, set apart and known as Algonquin Provincial Park, Lake Superior Provincial Park, Quetico Provincial Park, Rondeau Provincial Park and Sibley Provincial Park shall continue to be reserved, set apart and known as provincial parks. R.S.O. 1937, c. 94, ss. 34, 35, 38, 39, *amended*. Present
parks con-
tinued.

 **(2)** The public lands known as Lot 8, Concession A, in the Township of Bosanquet, in the County of Lambton, according to Plan No. 23, registered in the registry office for the County of Lambton, are hereby reserved and set apart as a provincial park to be known as "Ippeewash Provincial Park". *New.* Ippeewash
Provincial
Park.

(3) The Lieutenant-Governor in Council may delimit any provincial park and may reserve and set apart as provincial parks any other public lands and may increase or decrease the area of any provincial park. R.S.O. 1937, c. 94, s. 3, *amended*. Power to
delimit,
add to and
subtract
from parks.

3. Any land reserved and set apart as a provincial park or a part thereof shall be deemed to be severed from the municipality, if any, of which it formed a part as from the date that it became a provincial park or a part thereof. R.S.O. 1937, c. 94, s. 33, *amended*. Separation
from muni-
cipality.

4. Where any public lands are reserved and set apart as a provincial park and such public lands include any lands that are open for settlement or sale under *The Public Lands Act*, such lands shall be deemed not to be open for settlement or sale. R.S.O. 1937, c. 94, s. 2, *part, amended*. Park lands
not open
for settle-
ment or sale.

Prospecting,
mining, etc.

5. Prospecting and staking out of mining claims or the development of mineral interests or the working of mines in provincial parks is prohibited, except as may be provided by the regulations under this Act. R.S.O. 1937, c. 94, s. 20, *amended*.

Control and
manage-
ment.

6. The Minister shall control and manage the provincial parks. R.S.O. 1937, c. 94, s. 6, *amended*.

Administra-
tors.

7. There shall be a district forester or a superintendent in charge of each provincial park who shall have such powers and perform such duties as are set out in this Act or prescribed in the regulations under this Act. *New*.

Police
officers.

8. Every district forester and superintendent in charge of a provincial park and every forest ranger in a park shall have all the power and authority of a member of the Ontario Provincial Police Force. R.S.O. 1937, c. 94, s. 24, *amended*.

Sale of
liquor.

Rev. Stat.,
c. 294.

9. No licence or other authority shall be issued for the sale of liquor as defined in *The Liquor Control Act* within any provincial park. R.S.O. 1937, c. 94, s. 21, *amended*.

Conserva-
tion of
wild life,
etc.

10. During and after the construction of any railway, highway, road, transmission line, pipe line, water power development, or other work or the carrying on of any woods, mining, industrial or other operation in a provincial park the Minister may take such measures as he may deem proper for the protection of fish, animals and birds and any property or interest of the Crown, and any expenses incurred by the Crown in connection with such protective measures, shall be borne and paid by the person who caused the work to be done or the operation to be carried on and shall be recoverable by the Minister in any court of competent jurisdiction. R.S.O. 1937, c. 94, s. 26, *amended*.

Regulations.

11.—(1) The Lieutenant-Governor in Council may make regulations,

- (a) for the care, preservation, management and improvement of provincial parks and of the watercourses, lakes, trees, shrubbery, minerals, natural curiosities and other things therein;
- (b) designating parts of provincial parks in which land may be leased or occupied under a licence of occupation for private or commercial purposes; regulating the location of sites that may be so occupied, and limiting the number of commercial resorts in each of the parts so designated;

- (c) prescribing the terms and conditions governing the cost or type of construction and the location of buildings or structures that may be erected under any lease or licence under clause *b*;
- (d) for licensing and controlling or prohibiting trades, businesses, amusements, sports, occupations and other activities or undertakings in provincial parks;
- (e) for licensing and governing guides in provincial parks;
- (f) for issuing permits for and governing the use of power boats on waters in provincial parks;
- (g) for issuing permits to persons to enter and travel about in provincial parks;
- (h) for regulating and governing air, vehicular and pedestrian traffic in provincial parks and prohibiting the use of any defined class of vehicles therein;
- (i) providing for prospecting and staking out of mining claims or the developing of mineral interests, or the working of mines, in provincial parks and for the issuing of licences of occupation for such purposes and the collection of fees or rentals therefor by the Minister of Mines;
- (j) for regulating the use, setting out and extinguishment of fires in provincial parks;
- (k) for prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign-boards and other advertising devices in provincial parks;
- (l) for prohibiting or regulating and governing horses, dogs and other animals in provincial parks;
- (m) prescribing the fees and rentals payable to the Crown for any licence, permit or lease issued or made under this Act or the regulations made thereunder;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 94, s. 6, *amended*.

(2) Any regulation made under subsection 1 may be made applicable to any provincial park or any part thereof. *New.* ^{Application of regulations.}

Penalty.

12. Every person who fails to comply with any provision of this Act or any regulation made under this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. R.S.O. 1937, c. 94, ss. 22, 31, *amended*.

Time for performing work on mining claims.

13. Any regulation relating to the computation of time for performing work in respect of mining claims staked in Lake Superior Provincial Park that may be made under clause *i* of subsection 1 of section 11 may provide that in cases of mining claims recorded before the 1st day of November, 1949, and that are in good standing, the time for performing work shall be computed from the 1st day of November, 1949, and in cases of mining claims recorded after the 1st day of November, 1949, the time for performing work shall be computed from the date of recording. *New*.

Rev. Stat., c. 94; 1946, c. 76, repealed.

14. *The Provincial Parks Act* and *The Provincial Parks Amendment Act, 1946* are repealed.

Short title.

15. This Act may be cited as *The Provincial Parks Act, 1950*.

BILL

The Provincial Parks Act, 1950.

1st Reading

March 8th, 1950

2nd Reading

March 13th, 1950

3rd Reading

MR. SCOTT (Peterborough)

*(Reprinted as amended in Committee of the
Whole House.)*

No. 100

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Provincial Parks Act, 1950.

MR. SCOTT (Peterborough)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1171

No. 100

1950

BILL

The Provincial Parks Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Minister" means Minister of Lands and Forests;
(b) "public lands" means lands vested in the Crown.
R.S.O. 1937, c. 94, s. 1, *amended*.

2.—(1) The public lands reserved, set apart and known as Algonquin Provincial Park, Lake Superior Provincial Park, Quetico Provincial Park, Rondeau Provincial Park and Sibley Provincial Park shall continue to be reserved, set apart and known as provincial parks. R.S.O. 1937, c. 94, ss. 34, 35, 38, 39, *amended*. Present
parks con-
tinued.

(2) The public lands known as Lot 8, Concession A, in the Township of Bosanquet, in the County of Lambton, according to Plan No. 23, registered in the registry office for the County of Lambton, are hereby reserved and set apart as a provincial park to be known as "Ippeewash Provincial Park". *New*. Ippeewash
Provincial
Park.

(3) The Lieutenant-Governor in Council may delimit any provincial park and may reserve and set apart as provincial parks any other public lands and may increase or decrease the area of any provincial park. R.S.O. 1937, c. 94, s. 3, *amended*. Power to
delimit,
add to and
subtract
from parks.

3. Any land reserved and set apart as a provincial park or a part thereof shall be deemed to be severed from the municipality, if any, of which it formed a part as from the date that it became a provincial park or a part thereof. R.S.O. 1937, c. 94, s. 33, *amended*. Separation
from muni-
cipality.

4. Where any public lands are reserved and set apart as a provincial park and such public lands include any lands that are open for settlement or sale under *The Public Lands Act*, such lands shall be deemed not to be open for settlement or sale. R.S.O. 1937, c. 94, s. 2, *part, amended*. Park lands
not open
for settle-
ment or sale.

Prospecting,
mining, etc.

5. Prospecting and staking out of mining claims or the development of mineral interests or the working of mines in provincial parks is prohibited, except as may be provided by the regulations under this Act. R.S.O. 1937, c. 94, s. 20, *amended*.

Control and
manage-
ment.

6. The Minister shall control and manage the provincial parks. R.S.O. 1937, c. 94, s. 6, *amended*.

Administra-
tors.

7. There shall be a district forester or a superintendent in charge of each provincial park who shall have such powers and perform such duties as are set out in this Act or prescribed in the regulations under this Act. *New*.

Police
officers.

8. Every district forester and superintendent in charge of a provincial park and every forest ranger in a park shall have all the power and authority of a member of the Ontario Provincial Police Force. R.S.O. 1937, c. 94, s. 24, *amended*.

Sale of
liquor.

9. No licence or other authority shall be issued for the sale of liquor as defined in *The Liquor Control Act* within any provincial park. R.S.O. 1937, c. 94, s. 21, *amended*.

Rev. Stat.,
c. 294.

Conserva-
tion of
wild life,
etc.

10. During and after the construction of any railway, highway, road, transmission line, pipe line, water power development, or other work or the carrying on of any woods, mining, industrial or other operation in a provincial park the Minister may take such measures as he may deem proper for the protection of fish, animals and birds and any property or interest of the Crown, and any expenses incurred by the Crown in connection with such protective measures shall be borne and paid by the person who caused the work to be done or the operation to be carried on and shall be recoverable by the Minister in any court of competent jurisdiction. R.S.O. 1937, c. 94, s. 26, *amended*.

Regulations.

11.—(1) The Lieutenant-Governor in Council may make regulations,

- (a) for the care, preservation, management and improvement of provincial parks and of the watercourses, lakes, trees, shrubbery, minerals, natural curiosities and other things therein;
- (b) designating parts of provincial parks in which land may be leased or occupied under a licence of occupation for private or commercial purposes; regulating the location of sites that may be so occupied, and limiting the number of commercial resorts in each of the parts so designated;

- (c) prescribing the terms and conditions governing the cost or type of construction and the location of buildings or structures that may be erected under any lease or licence under clause *b*;
- (d) for licensing and controlling or prohibiting trades, businesses, amusements, sports, occupations and other activities or undertakings in provincial parks;
- (e) for licensing and governing guides in provincial parks;
- (f) for issuing permits for and governing the use of power boats on waters in provincial parks;
- (g) for issuing permits to persons to enter and travel about in provincial parks;
- (h) for regulating and governing air, vehicular and pedestrian traffic in provincial parks and prohibiting the use of any defined class of vehicles therein;
- (i) providing for prospecting and staking out of mining claims or the developing of mineral interests, or the working of mines, in provincial parks and for the issuing of licences of occupation for such purposes and the collection of fees or rentals therefor by the Minister of Mines;
- (j) for regulating the use, setting out and extinguishment of fires in provincial parks;
- (k) for prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign-boards and other advertising devices in provincial parks;
- (l) for prohibiting or regulating and governing horses, dogs and other animals in provincial parks;
- (m) prescribing the fees and rentals payable to the Crown for any licence, permit or lease issued or made under this Act or the regulations made thereunder;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 94, s. 6, *amended*.

(2) Any regulation made under subsection 1 may be made applicable to any provincial park or any part thereof. *New.* Application of regulations.

Penalty.

12. Every person who fails to comply with any provision of this Act or any regulation made under this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. R.S.O. 1937, c. 94, ss. 22, 31, *amended*.

Time for performing work on mining claims.

13. Any regulation relating to the computation of time for performing work in respect of mining claims staked in Lake Superior Provincial Park that may be made under clause *i* of subsection 1 of section 11 may provide that in cases of mining claims recorded before the 1st day of November, 1949, and that are in good standing, the time for performing work shall be computed from the 1st day of November, 1949, and in cases of mining claims recorded after the 1st day of November, 1949, the time for performing work shall be computed from the date of recording. *New*.

Rev. Stat., c. 94; 1946, c. 76, repealed.

14. *The Provincial Parks Act* and *The Provincial Parks Amendment Act, 1946* are repealed.

Short title.

15. This Act may be cited as *The Provincial Parks Act, 1950*.

BILL

The Provincial Parks Act, 1950.

1st Reading

March 8th, 1950

2nd Reading

March 13th, 1950

3rd Reading

March 15th, 1950

MR. SCOTT (Peterborough)

